United Nations A/HRC/33/L.14

General Assembly

Distr.: Limited
26 September 2016

Original: English

Human Rights Council
Thirty-third session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Australia,* Bosnia and Herzegovina,* Bulgaria,* Canada,* Chile,* Djibouti,* Egypt,* France, Georgia, Greece,* Haiti,* Honduras,* Israel,* Italy,* Malta,* Peru,* Philippines, Poland,* Portugal, Republic of Korea, Republic of Moldova,* Romania,* Serbia,* Spain,* Thailand,* United States of America:* draft resolution

33/... Local government and human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights and relevant international human rights instruments, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling also Human Rights Council resolutions 24/2 of 26 September 2013 and 27/4 of 25 September 2014 on the role of local government in the promotion and protection of human rights,

Recalling further General Assembly resolution 70/1 of 25 September 2015 on the 2030 Agenda for Sustainable Development, in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, and its commitments to working tirelessly for full implementation of the Agenda by 2030 at all levels,

Underscoring the significant contribution that local government can make to the implementation of the Sustainable Development Goals and the targets,

Bearing in mind that the Sustainable Development Goals and the targets are aimed at realizing the human rights of all and at achieving gender equality and the empowerment of all women and girls, and also that they are integrated and indivisible and balance the three dimensions of sustainable development — the economic, the social and the environmental,

* State not a member of the Human Rights Council.

Taking note with appreciation of the research-based report of the Human Rights Council Advisory Committee on the role of local government in the promotion and protection of human rights,[1]

Bearing in mind that human rights and fundamental freedoms are the birthright of all human beings, and that their protection and promotion is the first responsibility of Governments,

Recognizing the role of local government in the promotion and protection of human rights, without any prejudice to the primary responsibility of the national government in this regard,

Recognizing also that local government has different forms and functions in every State, in accordance with the constitutional and legal system of the State concerned,

Recognizing further that given its proximity to people and being at the grass-roots level, one of the important functions of local government is to provide public services that address local needs and priorities related to the realization of human rights at the local level,

Underlining that the promotion of a human rights culture within public services, as well as public servants' knowledge, training and awareness, play a vital role in promoting respect for and the realization of human rights in society, and stressing the importance in this regard of human rights education and training for public servants at the local government level,

Noting relevant international and regional initiatives to promote human rights at the local level,

Reaffirming the crucial role that the national government can play in promoting a positive contribution by local government to the implementation of the 2030 Agenda for Sustainable Development with regard to the promotion and protection of human rights,

1. *Decides* to convene on the same day as the organizational meeting for its thirty-sixth session, taking advantage of existing capacities, a panel discussion on the role of local government in the promotion and protection of human rights, the objective of which will be to identify ways in which local government can promote, protect and fulfil human rights effectively, particularly in the context of implementing the 2030 Agenda for Sustainable Development, in close cooperation with the national government;

2. *Requests* the United Nations High Commissioner for Human Rights to liaise with States and with all stakeholders, including relevant United Nations agencies, funds and programmes, the treaty bodies, the relevant special procedures of the Human Rights Council, national human rights institutions and civil society, with a view to ensuring their participation in the panel discussion;

3. *Also requests* the High Commissioner to prepare a report on the panel discussion in the format of a summary, and to submit the report to the Human Rights Council at its thirty-eighth session;

4. *Decides* to remain seized of the matter.

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[1] A/HRC/30/49.

United Nations A/HRC/33/L.14/Rev.1

General Assembly

Distr.: Limited
28 September 2016

Original: English

Human Rights Council
Thirty-third session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Argentina,* Australia,* Bosnia and Herzegovina,* Bulgaria,* Canada,* Chile,* Djibouti,* Egypt,* France, Georgia, Greece,* Haiti,* Honduras,* Hungary,* Israel,* Italy,* Malta,* Peru,* Philippines, Poland,* Portugal, Republic of Korea, Republic of Moldova,* Romania,* Serbia,* Spain,* Thailand,* United States of America:* draft resolution

33/... Local government and human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights and relevant international human rights instruments, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling also Human Rights Council resolutions 24/2 of 26 September 2013 and 27/4 of 25 September 2014 on the role of local government in the promotion and protection of human rights,

Recalling further General Assembly resolution 70/1 of 25 September 2015 on the 2030 Agenda for Sustainable Development, in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, and its commitments to working tirelessly for full implementation of the Agenda by 2030 at all levels,

Underscoring the significant contribution that local government can make to the implementation of the Sustainable Development Goals and the targets,

Bearing in mind that the Sustainable Development Goals and the targets are aimed at realizing the human rights of all and at achieving gender equality and the empowerment of all women and girls, and also that they are integrated and indivisible and balance the three dimensions of sustainable development: the economic, the social and the environmental,

* State not a member of the Human Rights Council.

Taking note with appreciation of the research-based report of the Human Rights Council Advisory Committee on the role of local government in the promotion and protection of human rights,[1]

Bearing in mind that human rights and fundamental freedoms are the birthright of all human beings, and that their protection and promotion is the first responsibility of Governments,

Recognizing the role of local government in the promotion and protection of human rights, without any prejudice to the primary responsibility of the national government in this regard,

Recognizing also that local government has different forms and functions in every State, in accordance with the constitutional and legal system of the State concerned,

Recognizing further that, given its proximity to people and being at the grass-roots level, one of the important functions of local government is to provide public services that address local needs and priorities related to the realization of human rights at the local level,

Underlining that the promotion of a human rights culture within public services, as well as public servants' knowledge, training and awareness, play a vital role in promoting respect for and the realization of human rights in society, and stressing the importance in this regard of human rights education and training for public servants at the local government level,

Noting relevant international and regional initiatives to promote human rights at the local level,

Reaffirming the crucial role that the national Government can play in promoting a positive contribution by local government to the implementation of the 2030 Agenda for Sustainable Development with regard to the promotion and protection of human rights,

1. *Decides* to convene between its thirty-fifth and thirty-sixth sessions, taking advantage of existing capacities, a panel discussion on the role of local government in the promotion and protection of human rights, the objective of which will be to identify ways in which local government can promote, protect and fulfil human rights effectively, particularly in the context of implementing the 2030 Agenda for Sustainable Development, in close cooperation with the national Government;

2. *Requests* the United Nations High Commissioner for Human Rights to liaise with States and with all stakeholders, including relevant United Nations agencies, funds and programmes, the treaty bodies, the relevant special procedures of the Human Rights Council, national human rights institutions and civil society, with a view to ensuring their participation in the panel discussion;

3. *Also requests* the High Commissioner to prepare a report on the panel discussion in the form of a summary, and to submit the report to the Human Rights Council at its thirty-eighth session;

4. *Decides* to remain seized of the matter.

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[1] A/HRC/30/49.

United Nations A/HRC/33/L.15

General Assembly

Distr.: Limited
26 September 2016

Original: English

Human Rights Council
Thirty-third session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Andorra,* Austria,* Belgium, Bosnia and Herzegovina,* Botswana, Brazil,* Bulgaria,* Cameroon,* Chile,* Colombia,* Cyprus,* Denmark,* Ecuador, Egypt,* Finland,* Greece,* Indonesia, Ireland,* Italy,* Libya,* Luxembourg,* Maldives, Malta,* Mexico, Mozambique,* Netherlands, Panama, Paraguay, Peru,* Philippines, Poland,* Portugal, Qatar, Romania,* Sierra Leone,* Slovenia, Spain,* Sweden,* Switzerland, Thailand,* Timor-Leste,* United Kingdom of Great Britain and Northern Ireland, United States of America,* Uruguay:* draft resolution

33/... The right of everyone to the enjoyment of the highest attainable standard of physical and mental health

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, and recalling the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Reaffirming also General Assembly resolution 70/1 of 27 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", and welcoming the Sustainable Development Goals, including, inter alia, Goal 3 to ensure healthy lives and promote well-being for all at all ages, and its specific and interlinked targets, and other health-related Goals and targets,

Recalling Human Rights Council resolutions 6/29 of 14 December 2007, 15/22 of 27 September 2010 and 24/6 of 8 October 2013, and all previous resolutions of the Commission on Human Rights and the Council on the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

* State not a member of the Human Rights Council.

Recognizing the need for States, in cooperation with international organizations and civil society, including non-governmental organizations and the private sector, to create favourable conditions at the national, regional and international levels to ensure the full and effective enjoyment of the right of everyone to the highest attainable standard of physical and mental health,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the work of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

2. *Takes note* of the reports of the Special Rapporteur submitted to the Human Rights Council at its thirty-second session;[1]

3. *Decides* to extend the mandate of the Special Rapporteur, as established by the Human Rights Council in paragraph 1 of its resolution 6/29, for a further period of three years;

4. *Encourages* the Special Rapporteur, in fulfilling the mandate, to submit proposals that could support the implementation of the health-related Sustainable Development Goals and targets;

5. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated and to give due consideration to the recommendations made by the mandate holder;

6. *Encourages* all Governments to give serious consideration to responding favourably to the requests by the Special Rapporteur to visit their countries to enable the mandate holder to fulfil the mandate effectively;

7. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the resources necessary for the effective fulfilment of the mandate of the Special Rapporteur;

8. *Requests* the Special Rapporteur to submit an annual report to the Human Rights Council and to the General Assembly covering all activities relating to the mandate, with a view to maximizing the benefits of the reporting process;

9. *Decides* to continue its consideration of this matter under the same agenda item, in accordance with its programme of work.

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[1] A/HRC/32/32 and 33.

United Nations A/HRC/33/L.16

General Assembly

Distr.: Limited
28 September 2016

Original: English

Human Rights Council
Thirty-third session
Agenda item 10
Technical assistance and capacity-building

Belgium, France, Italy,* Luxembourg,* Netherlands, Romania,* South Africa,* Spain,* United Kingdom of Great Britain and Northern Ireland: draft resolution

33/... Technical assistance and capacity building in the field of human rights in the Central African Republic

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Recalling the African Charter on Human and Peoples' Rights, and other relevant international and African instruments on human rights,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, 23/18 of 13 June 2013, 24/34 of 27 September 2013, S-20/1 of 20 January 2014, 27/28 of 26 September 2014 and 30/19 of 2 October 2015,

Recalling further Security Council resolutions 2088 (2013) of 24 January 2013, 2121 (2013) of 10 October 2013, 2127 (2013) of 5 December 2013, 2134 (2014) of 28 January 2014, 2149 (2014) April 10, 2014, 2217 (2015) of 28 April 2015, 2281 (2016) of 26 April 2016 and 2301 (2016) of 26 July 2016,

Reaffirming that all States have the primary responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international and African instruments on human rights to which they are parties,

Recalling that the Central African Republic authorities have the primary responsibility to protect all populations in the country from genocide, war crimes, ethnic cleansing, and crimes against humanity,

* On behalf of the States Members of the United Nations that are members of the Group of African States.

Welcoming the holding of popular consultations and the Bangui Forum on National Reconciliation, which was followed by the adoption of a republican pact and an agreement on disarmament, demobilization and reintegration signed by the representatives of the main actors in the conflict in the Central African Republic,

Welcoming also the peaceful holding of a constitutional referendum on 13 December 2015 and the holding of legislative and presidential elections in December 2015 and February and March 2016, as well as the investiture of President Faustin-Archange Touadéra on 30 March 2016,

Reaffirming its commitment to the sovereignty, independence, unity and territorial integrity of the Central African Republic,

Concerned about the ongoing fragile security situation in the Central African Republic owing to the continued presence of armed groups, and condemning in particular the recent acts of violence and crime that persist in Bangui and the incidents inside the country, which have induced forced displacement,

Gravely concerned at the critical humanitarian situation that continues to prevail, particularly the plight of displaced persons and refugees, concerned about the flow of refugees and its repercussions on the situation in neighbouring countries and other countries in the region, and equally concerned about the risk of sectarian violence,

Gravely concerned also at the human rights violations committed against the civilian population, including summary executions, extrajudicial killings, arbitrary arrests and detention, enforced disappearances, the recruitment and use of children , rape and other forms of sexual violence, torture, looting, unlawful destruction of property and other serious violations and abuses of international human rights law,

Emphasizing the need to establish genuine disarmament, demobilization, reintegration and repatriation programmes, in line with a comprehensive strategy for security sector reform, and welcoming the successful conduct of preliminary activities in this field, which have contributed to reducing the presence of members of armed groups,

Noting the mobilization of the international community to provide humanitarian assistance to the population of the Central African Republic affected by the crisis, with the donors' conference held in Addis Ababa on 1 February 2014, the Brussels conference held on 26 May 2015, and several high-level meetings on humanitarian action in the Central African Republic,

Noting the upcoming organization of a donors' and investors' conference, to be held in Brussels on 17 November 2016,

Recalling the need for national authorities, the international community and humanitarian actors to support the voluntary return of internally displaced persons and refugees, and to ensure that this return is sustainable,

Welcoming the efforts of the African-led International Support Mission to the Central African Republic, the African Union, the Operation Sangaris mission conducted by France, the European Union military operation in the Central African Republic, the non-operational and operational military training missions of the Central African armed forces of the European Union and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic,

Recalling that the international forces present in the Central African Republic must act, in carrying out their duties, in full respect for the applicable provisions of international humanitarian law, international human rights law and international refugee law, expressing its concern at the allegations of sexual abuse and other human rights violations that may have been committed by personnel of the international forces in the Central African

Republic, and recalling that an in-depth investigation should be launched into the allegations, and that those responsible for these acts must be brought to justice, and welcoming the commitment by the Secretary-General to strictly enforce the zero tolerance policy of the United Nations on exploitation and sexual abuse,

Stressing the urgency and the imperative of ending impunity in the Central African Republic, and of bringing to justice the perpetrators of violations and abuses of human rights and violations of international humanitarian law, and the need to strengthen national mechanisms to ensure accountability of perpetrators, including the effective and swift installation of the special criminal court,

Emphasizing the primary responsibility of national authorities to create the conditions necessary to carry out investigations, to prosecute and to render judgments efficiently and independently,

Welcoming the commitment of the authorities of the Central African Republic to restore the rule of law, to end impunity and to bring to justice the perpetrators of crimes under the Rome Statute of the International Criminal Court, to which the Central African Republic is party, and taking note of the decision of the Prosecutor of the Court, made on 7 February 2014, to conduct a preliminary examination of the situation in the Central African Republic, and on 24 September 2014, to launch an investigation, following the request made by the transitional authorities,

Welcoming also the decision of the Central African authorities to give effect to a special criminal court by December 2016,

Recalling that the international commission of inquiry to investigate allegations of violations of international humanitarian law and international human rights law and human rights violations in the Central African Republic concluded that the main parties to the conflict have committed, since January 2013, violations and abuses that may constitute war crimes and crimes against humanity,

1. *Strongly condemns* the violations and abuses of human rights that continue to be committed by all stakeholders, and stresses that those responsible for these violations must be held responsible for their actions and brought to justice;

2. *Reiterates* its call for an immediate end to all abuses and violations of human rights and illegal acts of violence committed by all parties, and strict adherence to all human rights and all fundamental freedoms and the re-establishment of the rule of law in the country;

3. *Takes note with appreciation* of the report of the Independent Expert on the situation of human rights in Central African Republic,[1] and the recommendations contained therein;

4. *Urges* all parties in the Central African Republic to protect all civilians, in particular women and children, against sexual and gender-based violence;

5. *Welcomes* the renewal of the mandate of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, and encourages it to resolutely implement a proactive and assertive approach in the protection of civilians, as enshrined in its mandate;

6. *Encourages* the Central African authorities, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic,

[1] A/HRC/33/63.

to engage resolutely in the disarmament, demobilization, reintegration and repatriation of foreign fighters, in line with a comprehensive strategy for security sector reform to quickly operationalize the cooperation structures they have put in place and to make proposals for disarmament, demobilization, reintegration and repatriation, and requests Member States and international organizations to provide the funding necessary to the disarmament, demobilization, reintegration and repatriation process, which is an essential contribution to the security of the population and the stabilization of the country;

7. *Urges* the Central African authorities, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the European Union Military Training Mission in the Central African Republic, to adopt and implement a national security policy and a comprehensive strategy for the reform of the security sector, including prior human rights verification procedures by defence and security forces;

8. *Welcomes* the commitment made by several armed groups on 5 May 2015 to release children from their ranks and to end and prevent the recruitment and use of children, and in this regard calls upon them to implement their commitment;

9. *Urges* all parties to protect and to regard as victims those children who have been released or otherwise separated from armed forces and armed groups, and emphasizes the need to pay particular attention to the protection, release and reintegration of all children associated with the armed forces and armed groups;

10. *Calls upon* the authorities of the Central African Republic to ensure respect for the human rights and fundamental freedoms of the entire population and to take all necessary measures to end the impunity of perpetrators of acts of violence and other violations and abuses of human rights, including by strengthening the judicial system and national mechanisms to ensure accountability;

11. *Takes note* of the decision of the Central African authorities to request the Prosecutor of the International Criminal Court to open an investigation into alleged crimes committed in the Central African Republic that may fall under the Court's jurisdiction;

12. *Welcomes* the efforts made by the Central African authorities, including the adoption and promulgation of relevant legislation aimed at establishing within the national judicial system a special criminal court with competence for serious violations of human rights and violations of international humanitarian law, and urges the national authorities to take all appropriate measures to implement the act establishing the court, including its effective implementation and operational capability;

13. *Requests* the authorities of the Central African Republic to take immediate and concrete priority measures to strengthen the judiciary and to fight impunity in order to contribute to stabilization and reconciliation, including restoring the administration of the judiciary, the criminal justice system and the prison system throughout the country, ensuring that everyone has access to fair and impartial justice, and to operationalize the special criminal court as expeditiously as possible;

14. *Also requests* the authorities of the Central African Republic to continue their efforts to restore the effective authority of the State over the entire country, including the redeployment of State administration in the provinces with a view to ensuring stable, responsible, inclusive and transparent governance;

15. *Requests* Member States and international and regional organizations to provide urgent support to the Central African authorities for the conduct of the above-mentioned reforms and the restoration of State authority throughout the territory, and notes that the pledging conference to be held in Brussels on 17 November 2016 will be an opportunity to provide that support;

16. *Urges* the authorities of the Central African Republic to implement the recommendations made at the Bangui Forum on National Reconciliation, including the establishment of a truth, justice, reparation and reconciliation commission, by adopting an inclusive approach likely to allow genuine and lasting reconciliation;

17. *Remains deeply concerned* by the conditions of displaced persons and refugees, and encourages the international community to support the national authorities and host countries to ensure appropriate protection and support for victims of violence, in particular women, children and persons with disabilities;

18. *Calls upon* the transitional authorities to continue their efforts to protect and promote the right to freedom of movement for all, including displaced persons, without distinction, and to respect their right to choose their place of residence, to return home or to seek protection elsewhere;

19. *Invites* all stakeholders and the international community to remain mobilized to respond to the urgencies and priorities identified by the Central African Republic, including financial and technical support, and to pay the costs for psychotrauma treatment of people affected by the crisis;

20. *Requests* all parties to facilitate access of victim populations to humanitarian assistance and access of humanitarian actors to the entire national territory by strengthening security on the roads;

21. *Encourages* the States Members of the United Nations, within the framework of international cooperation, the relevant United Nations bodies, international financial institutions and other international organizations concerned and donors to provide the Central African Republic with technical assistance and capacity-building in order to promote respect for human rights and to undertake reform of the justice and security sectors;

22. *Encourages* the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, in accordance with its mandate, to publish reports on the situation of human rights in the Central African Republic in order to enable the international community to monitor the situation;

23. *Decides* to renew, for one year, the mandate of the Independent Expert to assess, to monitor and to report on the situation of human rights in the Central African Republic with a view to making recommendations related to technical assistance and capacity-building in the field of human rights;

24. *Requests* all parties to cooperate fully with the Independent Expert in carrying out her mandate;

25. *Requests* the Independent Expert to work closely with all United Nations bodies, the African Union and the Economic Community of Central African States, including in two consultations with them, and with other relevant international organizations, civil society and all relevant human rights mechanisms;

26. *Also requests* the Independent Expert to provide an oral update on her report on technical assistance and capacity-building in the field of human rights in the Central African Republic to the Human Rights Council at its thirty-fourth session, and to submit a written report to the Council at its thirty-sixth session;

27. *Requests* the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all financial and human resources necessary to enable her to carry out fully her mandate;

28. *Decides* to remain seized of the matter.

United Nations A/HRC/33/L.17

General Assembly

Distr.: Limited
27 September 2016

Original: English

Human Rights Council
Thirty-third session
Agenda item 8
Follow-up to and implementation of the Vienna Declaration and Programme of Action

Afghanistan,* Albania, Armenia,* Australia,* Austria,* Bahamas,* Belgium, Bulgaria,* Bosnia and Herzegovina,* Canada,* Costa Rica,* Croatia,* Cyprus,* Denmark,* Estonia,* Finland,* France, Georgia, Germany, Greece,* Guatemala*, Honduras,* Iceland,* Ireland,* Italy,* Latvia, Luxembourg,* Mexico, Monaco,* Morocco, Montenegro,* Netherlands, New Zealand,* Nigeria, Norway,* Panama, Philippines, Poland,* Portugal, Republic of Korea, Republic of Moldova,* Romania,* Rwanda,* Sierra Leone,* Slovakia,* Slovenia, Spain,* Sweden,* Switzerland, Thailand,* Timor-Leste,* Turkey,* United States of America,* Ukraine,* Uruguay:* draft resolution

33/... National institutions for the promotion and protection of human rights

The Human Rights Council,

Recalling all relevant resolutions of the Human Rights Council, the General Assembly and the Commission on Human Rights on national institutions for the promotion and protection of human rights, including most recently Council resolution 27/18 of 24 September 2014 and General Assembly resolution 70/163 of 17 December 2015,

Reaffirming the importance of establishing and strengthening independent, pluralistic national human rights institutions[1] in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles),

Reaffirming also the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993, which reaffirmed the important and constructive role played by national human rights institutions, in particular in their advisory

* State not a member of the Human Rights Council.

[1] National human rights institutions are the national institutions for the protection and promotion of human rights referred to in the Vienna Declaration and Programme of Action and the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

capacity to the competent authorities and their role in preventing and remedying human rights violations, in the dissemination of human rights information, and education in human rights,

Reaffirming further the important role that such national human rights institutions play, and will continue to play, in promoting and protecting human rights and fundamental freedoms, strengthening participation, in particular of civil society organizations, promoting the rule of law, developing and enhancing public awareness of those rights and fundamental freedoms, and contributing to the prevention of human rights violations and abuses,

Recognizing the importance of the independent voice of national human rights institutions in promoting and protecting all human rights, including, in accordance with their mandates, economic, social cultural, civil and political rights, particularly in the context of implementation of the 2030 Agenda for Sustainable Development,[2]

Welcoming the valuable participation and contribution of national human rights institutions to all relevant United Nations mechanisms and processes, in accordance with their respective mandates, including, currently, the Commission on the Status of Women, the Conference of States Parties to the Convention on the Rights of Persons with Disabilities and the Open-ended Working Group on Ageing, their continuing efforts in the 2030 Agenda for Sustainable Development, and with regard to follow-up to the recommendations of international human rights mechanisms,

Commending the important role of the Office of the United Nations High Commissioner for Human Rights in assisting the development of independent and effective national human rights institutions, in accordance with the Paris Principles, and recognizing in this regard the potential for strengthened and complementary cooperation among the Office of the High Commissioner, the Global Alliance of National Human Rights Institutions,[3] regional networks of national human rights institutions and national human rights institutions in the promotion and protection of human rights,

Welcoming the recent Mérida Declaration on the role of national human rights institutions in implementing the 2030 Agenda for Sustainable Development, adopted at the twelfth International Conference of Global Alliance of National Human Rights Institutions,[4] and inviting national human rights institutions to continue their work in accordance with the Mérida Declaration and with their mandate,

Welcoming also the strengthening in all regions of regional and cross-regional cooperation among national human rights institutions, and between national human rights institutions and other regional human rights forums,

1. *Welcomes* the most recent reports of the Secretary-General submitted to the Human Rights Council on national human rights institutions[5] and on the activities of the Global Alliance of National Human Rights Institutions in accrediting national human rights institutions in compliance with the Paris Principles;[6]

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[2] General Assembly resolution 70/1.

[3] Previously known as the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

[4] A/HRC/31/NI/14.

[5] A/HRC/33/33.

[6] A/HRC/33/34.

2. *Commends* the decision of the Chairs of the human rights treaty bodies to consider a common treaty body approach to engagement with national human rights institutions at their twenty-ninth annual meeting, in 2017;[7]

3. *Encourages* Member States to establish effective, independent and pluralistic national human rights institutions or, where they already exist, to strengthen them to enable the effective fulfilment of their mandate to promote and protect human rights and fundamental freedoms for all, as outlined in the Vienna Declaration and Programme of Action, and to do so in accordance with the Paris Principles;

4. *Recognizes* that, consistent with the Vienna Declaration and Programme of Action, it is the right of each State to choose the framework for national institutions for the promotion and protection of human rights that is best suited to its particular needs at the national level in order to promote human rights in accordance with its international human rights obligations and commitments;

5. *Also recognizes* the role of independent national human rights institutions in working together with their Governments to ensure full respect for human rights at the national level, including by contributing, as appropriate, to follow-up actions to the recommendations made by international human rights mechanisms;

6. *Encourages* national human rights institutions to continue to play an active role in preventing and combating all violations and abuses of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international instruments;

7. *Also encourages* national human rights institutions to assist, advise and engage with the State and other stakeholders in the prevention of violations and abuses of human rights, including by promoting the ratification of international treaties, promoting legal and procedural reforms, conducting practical and relevant human rights training and education, and raising public awareness and advocacy about the promotion and protection of human rights;

8. *Stresses* the importance of financial and administrative independence and the stability of national human rights institutions for the promotion and protection of human rights, and notes with satisfaction the efforts of those Member States that have provided their national human rights institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

9. *Also stresses* that national human rights institutions and their respective members and staff should not face any form of reprisal or intimidation, including political pressure, physical intimidation, harassment or unjustifiable budgetary limitations, as a result of activities undertaken in accordance with their respective mandates, including when taking up individual cases or when reporting on serious or systematic violations in their countries;

10. *Recognizes* the role that national human rights institutions can play in preventing and addressing cases of reprisal as part of supporting cooperation between their Governments and the United Nations in the promotion of human rights, including by contributing, as appropriate, to follow-up actions to recommendations made by international human rights mechanisms;

11. *Calls upon* States to promptly and thoroughly investigate any cases of alleged reprisal or intimidation against members or staff of national human rights institutions or

[7] A/71/270.

against individuals who cooperate, seek to cooperate or have cooperated with them, and to bring the perpetrators to justice;

12. *Welcomes* the growing number of Member States establishing or considering the establishment of national human rights institutions in accordance with the Paris Principles, and welcomes in particular the large number of States that have accepted recommendations to establish national human rights institutions through the universal periodic review and, where relevant, by treaty bodies and special procedures;

13. *Also welcomes* the continuing number of national institutions seeking accreditation status through the Global Alliance of National Human Rights Institutions, and encourages national institutions, including ombudsman institutions, to seek accreditation status;

14. *Further welcomes* the important role of the Global Alliance of National Human Rights Institutions, in close cooperation with the Office of the United Nations High Commissioner for Human Rights, in assessing conformity with the Paris Principles and in assisting States and national institutions, when requested, to strengthen national human rights institutions in accordance with the Paris Principles;

15. *Encourages* the Secretary-General to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions in accordance with the Paris Principles;

16. *Welcomes* the efforts made by the High Commissioner to strengthen United Nations system-wide coordination in support of national human rights institutions, including the tripartite partnership between the United Nations Development Programme, the Office of the High Commissioner and the Global Alliance of National Human Rights Institutions,[*] and encourages all United Nations human rights mechanisms, and its agencies, funds and programmes, to work within their respective mandates with national human rights institutions;

17. *Calls upon* the Secretary-General to continue to encourage national human rights institutions to interact with and advocate for independent participation in all relevant United Nations mechanisms and processes, in accordance with their respective mandates;

18. *Recognizes* the important role played by national human rights institutions in the Human Rights Council, including its universal periodic review mechanism, in both preparation and follow-up, and the special procedures, and in engaging with the human rights treaty bodies, in accordance with General Assembly resolutions 60/251 of 15 March 2006 and 65/281 of 17 June 2011, Council resolutions 5/1 and 5/2 of 18 June 2007, Council decision 19/119 of 22 March 2012, and Commission on Human Rights resolution 2005/74 of 20 April 2005;

19. *Encourages* national human rights institutions to continue to participate in and contribute to the work of the Human Rights Council, including the universal periodic review, and to continue to engage with the special procedures and treaty bodies by, inter alia, providing parallel reports and other information;

20. *Commends in particular* the increasing engagement of national human rights institutions at all stages of the universal periodic review, and encourages national human rights institutions to monitor, promote and support the implementation of accepted recommendations in their respective national contexts;

[*] General Assembly resolution 70/163, para. 19.

21. *Welcomes* the increased engagement between the special procedures and national human rights institutions, including during country and follow-up visits and on thematic reports, and encourages the deepening of such engagement, including through the participation of national human rights institutions following the presentation of country mission reports to the Human Rights Council;

22. *Encourages* the human rights treaty bodies, within their respective mandates and in accordance with the treaties establishing these mechanisms, to continue to consider a common treaty body approach to engaging national human rights institutions to ensure the effective and enhanced participation by national human rights institutions compliant with the Paris Principles at all relevant stages of their work;

23. *Welcomes* the endorsement by the General Assembly of the strengthening of opportunities for national human rights institutions compliant with the Paris Principles to contribute to the work of the Human Rights Council in its resolutions, including most recently in General Assembly resolution 70/163;

24. *Commends* the efforts made to date by all relevant United Nations mechanisms and processes, in accordance with their respective mandates and in accordance with General Assembly resolution 70/163, including the Commission on the Status of Women, the Conference of States Parties to the Convention on the Rights of Persons with Disabilities, the Open-ended Working Group on Ageing, and the 2030 Agenda for Sustainable Development, including the high-level political forum on sustainable development, to further enhance the participation of national human rights institutions compliant with the Paris Principles and to allow for their contribution to these United Nations mechanisms and processes, bearing in mind the relevant provisions dealing with their participation contained in General Assembly resolution 60/251, Human Rights Council resolutions 5/1 and 5/2, and 16/21 of 25 March 2011, and Commission on Human Rights resolution 2005/74, and encourages the continuation of these efforts;

25. *Invites* both the Expert Mechanism on the Rights of Indigenous Peoples and the United Nations Permanent Forum on Indigenous Issues to work to further enhance the participation of national human rights institutions, in accordance with their mandates and rules of procedure;

26. *Commends* the work of the Office of the High Commissioner with national human rights institutions, including through technical cooperation, capacity-building activities and advice, and encourages the High Commissioner, in view of the expanded activities relating to national human rights institutions, to ensure that appropriate arrangements are made and budgetary resources provided to continue and further extend activities in support of national human rights institutions, including by supporting the work of the Global Alliance of National Human Rights Institutions and its regional networks, and invites Governments to contribute additional voluntary funds to that end;

27. *Welcomes* the strengthening of international cooperation among national human rights institutions, including through the Global Alliance of National Human Rights Institutions, and encourages the Secretary-General to continue to provide the assistance necessary for holding international, regional and cross-regional meetings and conferences of national human rights institutions, including meetings of the Global Alliance of National Human Rights Institutions, in cooperation with the Office of the High Commissioner;

28. *Also welcomes* the important role of national human rights institutions in supporting cooperation between their Governments and the United Nations in the promotion and protection of human rights;

29. *Further welcomes* the strengthening in all regions of regional cooperation among national human rights institutions, and notes with appreciation the continuing work

of the Network of African National Human Rights Institutions, the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, the Asia-Pacific Forum of National Human Rights Institutions and the European Network of National Human Rights Institutions;

30. *Encourages* all States and national human rights institutions to continue to take appropriate steps to promote cooperation, the exchange of information, the sharing of experience and the dissemination of best practices concerning the establishment and effective operation of national human rights institutions;

31. *Invites* national human rights institutions to include in their cooperation the exchange of best practices on strengthening their liaison role between civil society and their Governments;

32. *Requests* the Secretary-General to submit to the Human Rights Council, at its thirty-ninth session, a report on the implementation of the present resolution, and a report on the activities of the Global Alliance of National Human Rights Institutions in accrediting national institutions in compliance with the Paris Principles.

United Nations

A/HRC/33/L.17/Rev.1

General Assembly

Distr.: Limited
28 September 2016

Original: English

Human Rights Council
Thirty-third session
Agenda item 8
Follow-up to and implementation of the Vienna Declaration and Programme of Action

Afghanistan,* Albania, Andorra,* Angola,* Armenia,* Australia,* Austria,* Bahamas,* Belgium, Benin,* Botswana, Bulgaria,* Bosnia and Herzegovina,* Canada,* Congo, Costa Rica,* Croatia,* Cyprus,* Czechia,* Denmark,* Estonia,* Finland,* France, Georgia, Germany, Ghana, Greece,* Guatemala*, Honduras,* Hungary,* Iceland,* Ireland,* Italy,* Latvia, Libya,* Luxembourg,* Mexico, Monaco,* Morocco, Montenegro,* Netherlands, New Zealand,* Nigeria, Norway,* Panama, Philippines, Portugal, Qatar, Republic of Korea, Republic of Moldova,* Romania,* Rwanda,* Sierra Leone,* Slovakia,* Slovenia, Spain,* Sweden,* Switzerland, Thailand,* the former Yugoslav Republic of Macedonia, Timor-Leste,* Turkey,* United States of America,* Ukraine,* Uruguay:* draft resolution

33/... National institutions for the promotion and protection of human rights

The Human Rights Council,

Recalling all relevant resolutions of the Human Rights Council, the General Assembly and the Commission on Human Rights on national institutions for the promotion and protection of human rights, including most recently Council resolution 27/18 of 24 September 2014 and General Assembly resolution 70/163 of 17 December 2015,

Reaffirming the importance of establishing and strengthening independent, pluralistic national human rights institutions[†] in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles),

Reaffirming also the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993, which reaffirmed the important and

* State not a member of the Human Rights Council.

† National human rights institutions are the national institutions for the protection and promotion of human rights referred to in the Vienna Declaration and Programme of Action and the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities and their role in preventing and remedying human rights violations, in the dissemination of human rights information, and education in human rights,

Reaffirming further the important role that such national human rights institutions play, and will continue to play, in promoting and protecting human rights and fundamental freedoms, strengthening participation, in particular of civil society organizations, promoting the rule of law, developing and enhancing public awareness of those rights and fundamental freedoms, and contributing to the prevention of human rights violations and abuses,

Recognizing the importance of the independent voice of national human rights institutions in promoting and protecting all human rights, including, in accordance with their mandates, economic, social cultural, civil and political rights, particularly in the context of implementation of the 2030 Agenda for Sustainable Development,[2]

Welcoming the valuable participation and contribution of national human rights institutions to all relevant United Nations mechanisms and processes, in accordance with their respective mandates, including, currently, the Commission on the Status of Women, the Conference of States Parties to the Convention on the Rights of Persons with Disabilities and the Open-ended Working Group on Ageing, their continuing efforts in the 2030 Agenda for Sustainable Development, and with regard to follow-up to the recommendations of international human rights mechanisms,

Commending the important role of the Office of the United Nations High Commissioner for Human Rights in assisting the development of independent and effective national human rights institutions, in accordance with the Paris Principles, and recognizing in this regard the potential for strengthened and complementary cooperation among the Office of the High Commissioner, the Global Alliance of National Human Rights Institutions,[3] regional networks of national human rights institutions and national human rights institutions in the promotion and protection of human rights,

Welcoming the recent Mérida Declaration on the role of national human rights institutions in implementing the 2030 Agenda for Sustainable Development, adopted at the twelfth International Conference of Global Alliance of National Human Rights Institutions,[4] and inviting national human rights institutions to continue their work in accordance with their mandate,

Welcoming also the strengthening in all regions of regional and cross-regional cooperation among national human rights institutions, and between national human rights institutions and other regional human rights forums,

1. *Welcomes* the most recent reports of the Secretary-General submitted to the Human Rights Council on national human rights institutions[5] and on the activities of the Global Alliance of National Human Rights Institutions in accrediting national human rights institutions in compliance with the Paris Principles;[6]

2. *Encourages* Member States to establish effective, independent and pluralistic national human rights institutions or, where they already exist, to strengthen them to enable

[2] General Assembly resolution 70/1.

[3] Previously known as the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

[4] A/HRC/31/NI/14.

[5] A/HRC/33/33.

[6] A/HRC/33/34.

the effective fulfilment of their mandate to promote and protect human rights and fundamental freedoms for all, as outlined in the Vienna Declaration and Programme of Action, and to do so in accordance with the Paris Principles;

3. *Recognizes* that, consistent with the Vienna Declaration and Programme of Action, it is the right of each State to choose the framework for national institutions for the promotion and protection of human rights that is best suited to its particular needs at the national level in order to promote human rights in accordance with its international human rights obligations and commitments;

4. *Also recognizes* the role of independent national human rights institutions in working together with their Governments to ensure full respect for human rights at the national level, including by contributing, as appropriate, to follow-up actions to the recommendations made by international human rights mechanisms;

5. *Encourages* national human rights institutions to continue to play an active role in preventing and combating all violations and abuses of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international instruments;

6. *Also encourages* national human rights institutions to assist, advise and engage with the State and other stakeholders in the prevention of violations and abuses of human rights, including by promoting the ratification of international treaties, promoting legal and procedural reforms, conducting practical and relevant human rights training and education, and raising public awareness and advocacy about the promotion and protection of human rights;

7. *Stresses* the importance of financial and administrative independence and the stability of national human rights institutions for the promotion and protection of human rights, and notes with satisfaction the efforts of those Member States that have provided their national human rights institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

8. *Also stresses* that national human rights institutions and their respective members and staff should not face any form of reprisal or intimidation, including political pressure, physical intimidation, harassment or unjustifiable budgetary limitations, as a result of activities undertaken in accordance with their respective mandates, including when taking up individual cases or when reporting on serious or systematic violations in their countries;

9. *Recognizes* the role that national human rights institutions can play in preventing and addressing cases of reprisal as part of supporting cooperation between their Governments and the United Nations in the promotion of human rights, including by contributing, as appropriate, to follow-up actions to recommendations made by international human rights mechanisms;

10. *Calls upon* States to promptly and thoroughly investigate any cases of alleged reprisal or intimidation against members or staff of national human rights institutions or against individuals who cooperate, seek to cooperate or have cooperated with them, and to bring the perpetrators to justice;

11. *Welcomes* the growing number of Member States establishing or considering the establishment of national human rights institutions in accordance with the Paris Principles, and welcomes in particular the large number of States that have accepted recommendations to establish national human rights institutions through the universal periodic review and, where relevant, by treaty bodies and special procedures;

12. *Also welcomes* the continuing number of national institutions seeking accreditation status through the Global Alliance of National Human Rights Institutions, and encourages national institutions, including ombudsman institutions, to seek accreditation status;

13. *Further welcomes* the important role of the Global Alliance of National Human Rights Institutions, in close cooperation with the Office of the United Nations High Commissioner for Human Rights, in assessing conformity with the Paris Principles and in assisting States and national institutions, when requested, to strengthen national human rights institutions in accordance with the Paris Principles;

14. *Encourages* the Secretary-General to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions in accordance with the Paris Principles;

15. *Welcomes* the efforts made by the High Commissioner to strengthen United Nations system-wide coordination in support of national human rights institutions, including the tripartite partnership between the United Nations Development Programme, the Office of the High Commissioner and the Global Alliance of National Human Rights Institutions,[7] and encourages all United Nations human rights mechanisms, and its agencies, funds and programmes, to work within their respective mandates with national human rights institutions;

16. *Calls upon* the Secretary-General to continue to encourage national human rights institutions to interact with and advocate for independent participation in all relevant United Nations mechanisms and processes, in accordance with their respective mandates;

17. *Recognizes* the important role played by national human rights institutions in the Human Rights Council, including its universal periodic review mechanism, in both preparation and follow-up, and the special procedures, and in engaging with the human rights treaty bodies, in accordance with General Assembly resolutions 60/251 of 15 March 2006 and 65/281 of 17 June 2011, Council resolutions 5/1 and 5/2 of 18 June 2007, Council decision 19/119 of 22 March 2012, and Commission on Human Rights resolution 2005/74 of 20 April 2005;

18. *Encourages* national human rights institutions to continue to participate in and contribute to the work of the Human Rights Council, including the universal periodic review, and to continue to engage with the special procedures and treaty bodies by, inter alia, providing parallel reports and other information;

19. *Commends in particular* the increasing engagement of national human rights institutions at all stages of the universal periodic review, and encourages national human rights institutions to monitor, promote and support the implementation of accepted recommendations in their respective national contexts;

20. *Welcomes* the increased engagement between the special procedures and national human rights institutions, including during country and follow-up visits and on thematic reports, and encourages the deepening of such engagement, including through the participation of national human rights institutions following the presentation of country mission reports to the Human Rights Council;

21. *Takes note* of the decision of the Chairs of the human rights treaty bodies to consider a common treaty body approach to engagement with national human rights institutions at their twenty-ninth annual meeting, in 2017;

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[7] General Assembly resolution 70/163, para. 19.

22. *Encourages* the human rights treaty bodies, within their respective mandates and in accordance with the treaties establishing these mechanisms, to continue to consider a common treaty body approach to engaging national human rights institutions to ensure the effective and enhanced participation by national human rights institutions compliant with the Paris Principles at all relevant stages of their work;

23. *Welcomes* the endorsement by the General Assembly of the strengthening of opportunities for national human rights institutions compliant with the Paris Principles to contribute to the work of the Human Rights Council in its resolutions, including most recently in General Assembly resolution 70/163;

24. *Commends* the efforts made to date by all relevant United Nations mechanisms and processes, in accordance with their respective mandates and in accordance with General Assembly resolution 70/163, including the Commission on the Status of Women, the Conference of States Parties to the Convention on the Rights of Persons with Disabilities, the Open-ended Working Group on Ageing, and the 2030 Agenda for Sustainable Development, including the high-level political forum on sustainable development, to further enhance the participation of national human rights institutions compliant with the Paris Principles and to allow for their contribution to these United Nations mechanisms and processes, bearing in mind the relevant provisions dealing with their participation contained in General Assembly resolution 60/251, Human Rights Council resolutions 5/1 and 5/2, and 16/21 of 25 March 2011, and Commission on Human Rights resolution 2005/74, and encourages the continuation of these efforts;

25. *Invites* both the Expert Mechanism on the Rights of Indigenous Peoples and the United Nations Permanent Forum on Indigenous Issues to work to further enhance the participation of national human rights institutions, in accordance with their mandates and rules of procedure;

26. *Commends* the work of the Office of the High Commissioner with national human rights institutions, including through technical cooperation, capacity-building activities and advice, and encourages the High Commissioner, in view of the expanded activities relating to national human rights institutions, to ensure that appropriate arrangements are made and budgetary resources provided to continue and further extend activities in support of national human rights institutions, including by supporting the work of the Global Alliance of National Human Rights Institutions and its regional networks, and invites Governments to contribute additional voluntary funds to that end;

27. *Welcomes* the strengthening of international cooperation among national human rights institutions, including through the Global Alliance of National Human Rights Institutions, and encourages the Secretary-General to continue to provide the assistance necessary for holding international, regional and cross-regional meetings and conferences of national human rights institutions, including meetings of the Global Alliance of National Human Rights Institutions, in cooperation with the Office of the High Commissioner;

28. *Also welcomes* the important role of national human rights institutions in supporting cooperation between their Governments and the United Nations in the promotion and protection of human rights;

29. *Further welcomes* the strengthening in all regions of regional cooperation among national human rights institutions, and notes with appreciation the continuing work of the Network of African National Human Rights Institutions, the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, the Asia-Pacific Forum of National Human Rights Institutions and the European Network of National Human Rights Institutions;

30. *Encourages* all States and national human rights institutions to continue to take appropriate steps to promote cooperation, the exchange of information, the sharing of experience and the dissemination of best practices concerning the establishment and effective operation of national human rights institutions;

31. *Invites* national human rights institutions to include in their cooperation the exchange of best practices on strengthening their liaison role between civil society and their Governments;

32. *Requests* the Secretary-General to submit to the Human Rights Council, at its thirty-ninth session, a report on the implementation of the present resolution, and a report on the activities of the Global Alliance of National Human Rights Institutions in accrediting national institutions in compliance with the Paris Principles.

United Nations A/HRC/33/L.18

General Assembly

Distr.: Limited
27 September 2016

Original: English

Human Rights Council
Thirty-third session
Agenda item 10
Technical assistance and capacity-building

Albania, Australia,* Bahamas,* Bahrain,* Belgium, Brazil,* Bulgaria,* Canada,* Croatia,* Cyprus,* Denmark,* Fiji,* Finland,* France, Germany, Greece,* Honduras,* Iceland,* Indonesia, Israel,* Italy,* Luxembourg,* Maldives, Malta,* Mexico, Morocco, Netherlands, Norway,* Panama, Paraguay, Peru,* Philippines, Portugal, Qatar, Republic of Korea, Republic of Moldova,* Singapore,* Slovenia, Spain,* Sweden,* Thailand,* Timor-Leste,* Tunisia,* Turkey,* Ukraine,* Uruguay,* United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America,* Viet Nam: draft resolution

33/... Enhancement of technical cooperation and capacity-building in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, particularly with regard to achieving international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming the obligation of States under the Charter to promote universal respect for and observance of human rights and fundamental freedoms,

Recognizing that the enhancement of international cooperation is essential for the effective promotion and protection of human rights, which should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of States to prevent human rights violations and comply with their human rights obligations for the benefit of all human beings,

Recognizing also the importance of enhancing international support for implementing effective and targeted capacity-building in developing countries to support national plans to implement all the Sustainable Development Goals,

* State not a member of the Human Rights Council.

Recalling General Assembly resolution 70/1 of 25 September 2015 on the 2030 Agenda for Sustainable Development,

Recalling, also the mandate of the Human Rights Council to promote advisory services, technical assistance and capacity-building, to be provided in consultation with and with the consent of States concerned, and provisions in Council resolutions 5/1 and 5/2 of 18 June 2007 and 16/21 of 25 March 2011 that aim to enable the Council to fulfil such a mandate,

Noting all relevant international human rights instruments, and all relevant resolutions of the Human Rights Council on the enhancement of technical cooperation and capacity-building in the field of human rights,

Reiterating that one of the responsibilities of the United Nations High Commissioner for Human Rights and the Office of the High Commissioner is to provide advisory services and technical and financial assistance, at the request of the State concerned, with a view to supporting actions and programmes in the field of human rights,

Acknowledging the role and impact of the activities of the relevant agencies of the United Nations and international and regional organizations, and the contribution of civil society organizations in providing States with technical support and assistance on the basis of needs and requests of States concerned in the implementation of their human rights obligations and their voluntary pledges and commitments, including accepted universal periodic review recommendations,

Appreciating the important role of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the Voluntary Trust Fund for Participation in the Universal Periodic Review, the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the work of the Human Rights Council and the Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review in assisting States and developing their national capacities to promote the effective implementation of their human rights obligations and accepted universal periodic review recommendations, which have contributed to tangible improvements in the situation of human rights on the ground,

Emphasizing that the tenth anniversary of the Human Rights Council offers States an important opportunity to underline their commitment to the enhancement of technical cooperation and capacity-building in the field of human rights, to reflect on the progress and challenges in this area, and to deliberate on ways to foster more effective technical cooperation and capacity-building in the field of human rights,

1. *Emphasizes* that the general debate under agenda item 10 remains an essential platform for Members and observers of the Human Rights Council to share their visions and views to promote more effective technical cooperation and capacity-building in the field of human rights, and to share experiences, challenges and information on assistance needed in the implementation of their human rights obligations and voluntary pledges and commitments, including accepted universal periodic review recommendations, and their achievements and good practices in this area;

2. *Encourages* States, relevant international organizations, intergovernmental bodies and civil society, including non-governmental organizations, to reflect on the achievements made and obstacles faced in their past efforts pertaining to technical cooperation and capacity-building in the field of human rights, and to deepen their dialogue and collaboration with a view to bolstering efforts to promote the enjoyment of human rights by all;

3. *Reiterates* that the discussion to promote technical cooperation and capacity-building in the Human Rights Council should continue to be based on consultations with and the consent of the States concerned, and should take into account their needs, as well as the fact that all human rights are universal, indivisible, interdependent and interrelated and aim to make a concrete impact on the ground;

4. *Underscores* the need to strengthen international, regional and bilateral cooperation and dialogue in the promotion and protection of human rights;

5. *Reaffirms* that technical cooperation should remain an inclusive exercise that engages and involves all national stakeholders, including government agencies and civil societies;

6. *Also reaffirms* the ongoing need for enhanced voluntary contributions to the relevant United Nations funds to support technical assistance and capacity-building, particularly the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the Voluntary Trust Fund for Participation in the Universal Periodic Review, the Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review and the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the work of the Human Rights Council, and encourages States to continue to make contributions to these funds, especially those who have not yet done so;

7. *Invites* the United Nations High Commissioner for Human Rights to make his next annual oral presentation, under agenda item 10, on the overview of and successes, best practices and challenges in technical assistance and capacity-building efforts, particularly those provided by the Office of the High Commissioner and relevant United Nations agencies, at the thirty-fourth session of the Human Rights Council, and subsequently on an annual basis at the March session of the Council;

8. *Invites* the Chair of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights to present the next comprehensive report on the Board's work to the Human Rights Council at its thirty-fourth session, and subsequently on an annual basis at the March session of the Council, and encourages the chairs of the boards of trustees of other funds administered by the Office of the High Commissioner to support activities in the area of technical assistance and capacity-building to make a presentation at the same session;

9. *Welcomes* the panel discussion held under agenda item 10 at the thirty-first session of the Human Rights Council on the theme "Technical cooperation and capacity-building to promote and protect the rights of all migrants, including women, children, older persons and persons with disabilities",[1] in which participants underlined the importance of technical cooperation and capacity-building in filling gaps and supporting States in overcoming challenges in the implementation of their national migration policies to promote and protect the rights of all migrants;

10. *Decides*, in accordance with paragraphs 3 and 4 of its resolution 18/18 of 29 September 2011, that the theme for the annual thematic panel discussion under agenda item 10 to be held during its thirty-fifth session will be "A decade of technical cooperation and capacity-building in the Human Rights Council: challenges and the way forward";

11. *Requests* the Office of the High Commissioner to prepare a report on the progress and challenges in the main activities to enhance technical cooperation and capacity-building undertaken since the establishment of the Human Rights Council by the

[1] See A/HRC/31/80.

Office, other relevant United Nations agencies and, where applicable, regional organizations to support efforts by States to promote and protect human rights, and to submit it to the Council at its thirty-fifth session, to serve as a basis for the thematic panel discussion, and to liaise with States, relevant United Nations bodies and agencies, relevant special procedures and other stakeholders, including, where applicable, those involved in technical cooperation projects that demonstrate best practices, constructive engagement and positive impact on the ground with a view to ensuring their participation in the thematic panel discussion;

12. *Calls upon* States, relevant international organizations, intergovernmental bodies and civil society, including non-governmental organizations, to make use of the ideas and issues raised in the annual panel discussion under agenda item 10 during its thirty-fifth session to strengthen the efficiency and effectiveness of technical cooperation and capacity-building efforts in improving States' national capacities to promote and protect human rights.

United Nations A/HRC/33/L.19

General Assembly

Distr.: Limited
27 September 2016

Original: English

Human Rights Council
Thirty-third session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Andorra,* Austria,* Belgium, Bosnia and Herzegovina,* Brazil,* Bulgaria,* Cameroon,* Croatia,* Cyprus,* Denmark,* Dominican Republic,* Estonia,* Fiji,* Finland,* France, Georgia, Germany, Greece,* Haiti,* Hungary,* Iceland,* Italy,* Latvia, Liechtenstein,* Luxembourg,* Mali,* Monaco,* Montenegro,* Morocco, Netherlands, Panama, Peru,* Philippines, Poland,* Portugal, Romania,* Serbia,* Slovakia,* Slovenia, Spain,* Swaziland,* Switzerland, Thailand,* Ukraine,* Uruguay:* draft resolution

33/... The human rights to safe drinking water and sanitation

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming all previous relevant resolutions of the Human Rights Council, inter alia, resolutions 7/22 of 28 March 2008, 12/8 of 1 October 2009, 15/9 of 30 September 2010, 16/2 of 24 March 2011, 18/1 of 28 September 2011, 21/2 of 27 September 2012, 24/18 of 27 September 2013 and 27/7 of 2 October 2014,

Recalling General Assembly resolution 64/292 of 28 July 2010, in which the Assembly recognized the human right to safe drinking water and sanitation as essential for the full enjoyment of the right to life and all other human rights,

Recalling also General Assembly resolution 70/169 of 17 December 2015, in which the Assembly recognized the rights to safe drinking water and sanitation as human rights that are essential for the full enjoyment of the right to life and all other human rights, and recalling also all resolutions by the Assembly relevant to the full realization of the human rights to safe drinking water and sanitation,

Recalling further the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against

* State not a member of the Human Rights Council

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Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Recalling the Vienna Declaration and Programme of Action, which reaffirms that all human rights are universal, indivisible, interdependent and interrelated, including the right to development,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[1] including Goal 6 on ensuring the availability and sustainable management of water and sanitation for all, which comprises important targets relating to the human rights to safe drinking water and sanitation as well as hygiene, and acknowledges the need for an integrated approach to Goal 6 that reflects the interlinkages between achieving access to safe drinking water, sanitation and hygiene, while also striving to improve the quality and safety of water, to reduce the number of people suffering from water scarcity, and to ensure attention to the needs of women and girls,

Affirming that attention to realizing the human rights to safe drinking water and sanitation as well as other related human rights will advance efforts by Member States to achieve several other Sustainable Development Goals, including those relating to adequate housing, education, health and gender equality,

Noting the relevant commitments and initiatives promoting the human rights to safe drinking water and sanitation made at the 2014 High-level meeting of the Sanitation and Water for All partnership, and in the Ngor Declaration on Sanitation and Hygiene, adopted at the fourth African Conference on Sanitation and Hygiene, in 2015, the Dhaka Declaration, adopted at the sixth South Asian Conference on Sanitation, in 2016, the Lima Declaration, adopted at the fourth Latin American and Caribbean Conference on Sanitation, in 2016, and the Dar es Salam Roadmap for achieving the N'gor commitments on water security and sanitation in Africa, adopted at the sixth Africa Water Week, in 2016,

Deeply concerned that the world missed meeting the sanitation component of Millennium Development Goal 7 by almost 700 million people, and that more than 2.4 billion people still do not have access to improved sanitation facilities, including more than 946 million people who still practise open defecation as at 2015, which is one of the clearest manifestations of poverty and extreme poverty,

Deeply concerned also that the lack of access to water and sanitation and hygiene underlies severe human costs such as poor health and high mortality rates, and major economic losses, and affirming that affordability, accessibility and availability, as human rights criteria, require that the use of water, sanitation and hygiene facilities and services is accessible at a price that is affordable to all people,

Deeply concerned further that women and girls often face particular barriers in their access to water and sanitation, which are exacerbated in humanitarian crises, and that they shoulder the main burden of collecting household water in many parts of the world, which restricts their time for other activities, such as education and leisure for girls or earning a livelihood for women,

Deeply concerned that the lack of access to adequate water and sanitation services, including for menstrual hygiene management, especially in schools, contributes to reinforcing the widespread stigma associated with menstruation, which negatively affects gender equality and women's and girls' enjoyment of human rights, including the right to education and the right to health,

[1] General Assembly resolution 70/1.

Deeply concerned also that women and girls are particularly at risk and exposed to attacks, sexual and gender-based violence, harassment and other threats to their safety while collecting household water and when accessing sanitation facilities outside their homes or practicing open defecation,

Reaffirming the responsibility of States to ensure the respect, promotion and protection of all human rights, which are universal, indivisible, interdependent and interrelated, and must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

Recalling the understanding by the Committee on Economic, Social and Cultural Rights and the Special Rapporteur on the human right to safe drinking water and sanitation that the rights to safe drinking water and sanitation are closely related, but have features that warrant distinct treatment in order to address specific challenges in their implementation, that sanitation too often remains neglected if not addressed as a separate right, and that both rights are components of the right to an adequate standard of living,

Recalling also that the human rights to safe drinking water and sanitation are derived from the right to an adequate standard of living and are inextricably related to the right to the highest attainable standard of physical and mental health, as well as to the right to life and human dignity,

Reaffirming the importance of eliminating discrimination and inequalities in the enjoyment of the human rights to safe drinking water and sanitation on the grounds of race, gender, age, disability, ethnicity, culture, religion and national or social origin or on any other grounds, and with a view to eliminating discrimination and inequalities based on factors such as rural-urban disparities, substandard housing, income levels or other relevant considerations,

Affirming the importance of national programmes and policies in ensuring the progressive realization of the human rights to safe drinking water and sanitation,

Affirming also the importance of regional and international technical cooperation, where appropriate, as a means to promote the progressive realization of the human rights to safe drinking water and sanitation, without any prejudice to questions of international water law, including international watercourse law,

Recognizing the important role that civil society plays at the local, national, regional and international levels in facilitating the achievement of the purposes and principles of the United Nations, fundamental freedoms and human rights, including the human rights to safe drinking water and sanitation,

Recalling Human Rights Council resolutions 5/1, on institution-building of the council, and 5/2, on the Code of Conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the recognition by the General Assembly of the human rights to safe drinking water and sanitation as components of the right to an adequate standard of living and essential for the full enjoyment of the right to life and all human rights;

2. *Also welcomes* the recognition by the General Assembly that the human right to safe drinking water entitles everyone, without discrimination, to have access to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use, and that the human right to sanitation entitles everyone, without discrimination, to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy

and ensures dignity, while reaffirming that both rights are components of the right to an adequate standard of living,

3. *Affirms* that the human rights to safe drinking water and sanitation are closely related, but have features which warrant distinct treatment in order to address specific challenges in their implementation, while recognizing the relevance of all previous Human Rights Council resolutions on the topic and the importance of the work of the previous and current Special Rapporteur on the human right to safe drinking water and sanitation;

4. *Takes note with appreciation* of the annual report of the Special Rapporteur submitted to the Human Rights Council at its thirtieth session on access to affordable water and sanitation services,[2] and the annual report submitted to the Council at its thirty-third session on gender equality in the realization of the human rights to water and sanitation;[3]

5. *Also takes note with appreciation* of the annual report of the previous mandate holder submitted to the General Assembly at its sixty-ninth session on the right to participation in the context of realizing the right to safe drinking water and sanitation[4] and the annual report of the current Special Rapporteur submitted to the General Assembly at its seventieth session on the human rights framework for water, sanitation and hygiene and the relevant human rights standards and principles that serve to assess different levels and types of services,[5]

6. *Reaffirms* that States have the primary responsibility to ensure the full realization of all human rights and must take steps, nationally and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, to achieve progressively the full realization of the rights to safe drinking water and sanitation by all appropriate means, including in particular the adoption of legislative measures in the implementation of their human rights obligations;

7. *Stresses* the important role of international cooperation and technical assistance by States, specialized agencies of the United Nations system and international and development partners, as well as by donor agencies, in particular in the timely achievement of the relevant Sustainable Development Goals, and urges development partners to adopt a human rights-based approach when designing, implementing and monitoring development programmes in support of national initiatives and plans of action relating to the rights to safe drinking water and sanitation;

8. *Underlines* the importance of an effective remedy for violations of economic, social and cultural rights, including the human rights to safe drinking water and sanitation, and in this regard, of judicial, quasi-judicial and other appropriate remedies, including procedures initiated by or on behalf of individuals or, as appropriate, groups of individuals, and of adequate procedures to avoid infringements of such rights, with a view to ensuring justice for all for violations in the context of the realization of the rights to water and sanitation as components of the right to an adequate standard of living, including taking the measures necessary to ensure that women and girls and persons at risk have equal access to effective remedies;

9. *Notes with concern* that, in spite of all efforts, gender inequalities still exist in the realization of the human rights to safe drinking water and sanitation, and therefore calls upon States:

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[2] A/HRC/30/39
[3] A/HRC/33/49
[4] A/69/213
[5] A/70/203

(*a*) To identify, with a view to repealing and reforming them, all laws that have both direct and indirect discriminatory consequences with regard to the equal enjoyment of the human rights to safe drinking water and sanitation, as well as with regard to gender-based violence;

(*b*) To take action to tackle systemic inequalities and to meet their obligations to effectively achieve substantive gender equality in the enjoyment of the rights to safe drinking water and sanitation, including through the implementation of targeted gender-responsive policies, budgets and measures that go beyond enacting formal provisions;

(*c*) To prevent and combat root causes of gender inequalities, including the impact of social norms, stereotypes, roles and taboos with regard to both women and men, through public campaigns, education and the media, among other measures;

(*d*) To consider that gender-based inequalities are exacerbated when coupled with other grounds of discrimination and disadvantages, and therefore to use an "intersectionality lens" in policy initiatives, so that priority is given to and measures are taken, as necessary, for those most disadvantaged in the enjoyment of their rights to water and sanitation, including women and girls;

(*e*) To increase collaboration between the water, sanitation and hygiene sector and other sectors, including the education, employment and health sectors, and to address inequalities on the grounds of race, gender, age, disability, ethnicity, culture, religion and national or social origin or on any grounds, with a view to progressively eliminating inequalities in a comprehensive manner;

(*f*) To develop water, sanitation and hygiene approaches, programmes and policies that enable the meaningful participation of women and girls at all stages of planning, decision-making, implementation, monitoring and evaluation;

10. *Welcomes* the work of the Special Rapporteur on the human right to safe drinking water and sanitation, the comprehensive, transparent and inclusive consultations conducted with relevant and interested actors from all regions for his thematic reports and the undertaking of country missions;

11. *Decides* to extend the mandate of the current mandate holder as Special Rapporteur on the human rights to safe drinking water and sanitation for a period of three years, and encourages the Special Rapporteur to promote the full realization of the human rights to safe drinking water and sanitation, in accordance with the mandate set out in Human Rights Council resolutions 7/22 and 16/2, as well as in accordance with all other relevant resolutions on this matter;

12. *Encourages* the Special Rapporteur to continue to contribute to the implementation of the 2030 Agenda for Sustainable Development, in particular Goal 6, with special regard to the full realization of the human rights to safe drinking water and sanitation for all;

13. *Requests* the Special Rapporteur to continue to report, on an annual basis, to the Human Rights Council and to submit an annual report to the General Assembly;

14. *Encourages* the Special Rapporteur to facilitate, including through engagement with relevant stakeholders, the provision of technical assistance in the area of the implementation of the human rights to safe drinking water and sanitation;

15. *Encourages* all Governments to continue to respond favourably to requests by the Special Rapporteur for visits and information, to follow up effectively on the recommendations of the mandate holder and to make available information on measures taken in this regard;

16. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the resources and assistance necessary for the effective fulfilment of the mandate;

17. *Decides* to continue its consideration of this matter under the same agenda item and in accordance with its programme of work.

United Nations A/HRC/33/L.20

General Assembly

Distr.: Limited
23 September 2016

Original: English

Human Rights Council
Thirty-third session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania, Andorra,* Australia,* Austria,* Botswana, Bulgaria,* Colombia,* Cyprus,* Denmark,* Estonia,* Finland,* France, Greece,* Haiti,* Iceland,* Ireland,* Israel,* Italy,* Luxembourg,* Mexico, Monaco,* Mongolia, Montenegro,* Netherlands, Peru,* Poland,* Portugal, Romania,* Slovenia, Spain,* Sweden,* Switzerland, Thailand,* Turkey,* United Kingdom of Great Britain and Northern Ireland: draft resolution

33/... Preventable mortality and morbidity of children under 5 years of age as a human rights concern

The Human Rights Council,

Recalling its resolutions 24/11 of 26 September 2013 and 27/14 of 2 October 2014 on preventable mortality and morbidity of children under 5 years of age as a human rights concern, and all other relevant resolutions on the rights of the child of the Commission on Human Rights, the Council and the General Assembly,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated, and recognizing the need to ensure the full and effective enjoyment by all of their human rights, including the right to development,

Deeply concerned that more than 5,900,000 children under 5 years of age die each year, mostly from preventable and treatable causes, owing to inadequate or lack of access to integrated and quality maternal, newborn and child health care and services, early childbearing, as well as to health determinants, such as safe drinking water and sanitation, safe and adequate food and nutrition, and that mortality remains highest among children belonging to the poorest and most marginalized communities,

* State not a member of the Human Rights Council

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Deeply concerned also that, despite progress made in the reduction of child mortality, Millennium Development Goal 4, to reduce child mortality by two thirds from 1990 to 2015, was not achieved, and that deaths of newborn babies are falling more slowly, with a projected increase, if current trends continue, in the share of neonatal deaths by 2030,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[1] and recognizing that reducing preventable mortality and morbidity of children under 5 years of age will require efforts across the 2030 Agenda, including target 3.2, to end preventable deaths of newborns and children under 5 years of age,

Acknowledging the work done by the United Nations and its specialized agencies, funds and programmes in relation to the reduction and elimination of preventable mortality and morbidity of children under 5 years of age, and in that regard notes the Global Strategy for Women's, Children's and Adolescents' Health (2016-2030) and the establishment of the Independent Accountability Panel,

Acknowledging also the role played by women's and girls' education and empowerment, and the impact of gender inequality, when addressing the underlying causes of child mortality and morbidity,

Reaffirming that States should take all appropriate measures to ensure the right of the child to the enjoyment of the highest attainable standard of physical and mental health without discrimination of any kind and, in doing so, be guided by the best interests of the child, ensuring the meaningful participation of children, consistent with their evolving capacities, in all matters and decisions affecting their lives, bearing in mind the rights, duties and responsibilities of parents or caregivers in relation to preventing mortality and morbidity of children under 5 years of age, and take steps to ensure the allocation of available resources to the maximum extent possible to achieve the full realization of the right of the child to the highest attainable standard of health, including by strengthening international cooperation in this field,

Recognizing that the factors leading to preventable mortality and morbidity of children under 5 years of age can be particularly severe in developing countries,

Recognizing also that a human rights-based approach to reducing and eliminating preventable child mortality and morbidity is an approach underpinned by the principles of, inter alia, equality and non-discrimination, participation, sustainability, transparency, the best interests of the child, international cooperation and accountability,

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on implementation of the technical guidance on the application of a human rights-based approach to policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age;[2]

2. *Urges* States to disseminate the technical guidance and to apply it, as appropriate, in the design, implementation, evaluation and monitoring of laws, policies, programmes, budgets and mechanisms for remedy and redress aimed at eliminating preventable mortality and morbidity of children under 5 years of age;

3. *Calls upon* States to adopt a human rights-based approach to reduce and eliminate preventable mortality and morbidity of children under 5 years of age, including in scaling up efforts to achieve the integrated management of quality maternal, newborn and

[1] General Assembly resolution 70/1.
[2] A/HRC/33/23.

child health care and services, particularly at the community and family levels, and to take action to address the main causes of preventable mortality and morbidity of children under 5 years of age;

4. *Calls upon* States and other relevant stakeholders, including national human rights institutions and non-governmental organizations, with due regard to the implementation of the 2030 Agenda to continue to take and intensify action at all levels to address the interlinked root causes of preventable mortality and morbidity of children under 5 years of age, such as poverty, malnutrition, harmful practices, violence, stigma and discrimination, unsafe households and environments, lack of safe drinking water and sanitation, lack of accessible, affordable, quality and appropriate health care services, medicines and vaccinations, late detection of childhood illnesses and low levels and quality of education;

5. *Calls upon* States to strengthen further their international commitment, cooperation and mutual assistance with the objective of reducing and eliminating preventable mortality and morbidity of children under 5 years of age, including through the sharing of good practices, research, policies, review of progress through data collection and analysis, and capacity-building;

6. *Encourages* States and all relevant stakeholders to ensure that the issue of preventable mortality and morbidity of children under 5 years of age is given due attention in the work of the Human Rights Council, including relevant Council processes, debates and mechanisms, including the universal periodic review;

7. *Calls upon* all relevant United Nations agencies to continue to provide technical cooperation and assistance to States, as requested, to reduce and eliminate preventable morbidity and mortality of children under 5 years of age, by supporting the application of the technical guidance, including through the development and dissemination of tools for its operationalization at all relevant stages of national planning and action cycles for child health and survival;

8. *Encourages* the United Nations High Commissioner for Human Rights, in close collaboration with the World Health Organization, to intensify efforts to bring the technical guidance to the attention of the Secretary-General and all United Nations entities with mandates relevant to preventable mortality and morbidity of children under 5 years of age, including the High-level Working Group on the Health and Human Rights of Women, Children and Adolescents, and to continue dialogue on the issue of preventable mortality and morbidity of children under 5 years of age with all relevant actors with due regard to the implementation of the 2030 Agenda;

9. *Requests* the High Commissioner:

(*a*) To organize, prior to the thirty-ninth session of the Human Rights Council, in close collaboration with the World Health Organization, an expert workshop to discuss experiences in preventing mortality and morbidity of children under 5 years of age, with a particular focus on the implementation of the technical guidance, including challenges, best practices and lessons learned, and including consideration of the particular challenges in respect of the newborn child;

(*b*) To consult with and invite States, relevant United Nations agencies, funds and programmes, including the United Nations Children's Fund and the Joint United Nations Programme on HIV/AIDS, and relevant special procedure mandate holders, the Committee on the Rights of the Child, other human rights mechanisms, including regional organizations, professional medical organizations, health policymakers or practitioners and civil society to participate actively in the workshop;

(c) To prepare a summary report on the above-mentioned workshop, including any good practices identified thereat and recommendations arising therefrom, for submission to the Human Rights Council at its thirty-ninth session;

10. *Decides* to remain seized of the matter.

United Nations A/HRC/33/L.21

General Assembly

Distr.: Limited
27 September 2016

Original: English

Human Rights Council
Thirty-third session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Afghanistan,* Andorra,* Armenia,* Austria,* Azerbaijan,* Bosnia and Herzegovina,* Bulgaria,* Croatia,* Cyprus,* Ethiopia, Georgia, Germany, Greece,* Honduras,* Iraq,* Ireland,* Italy,* Luxembourg,* Mali,* Malta,* Monaco,* Montenegro,* Panama, Poland,* Romania,* Serbia,* Slovakia,* Slovenia, Spain,* Sweden,* Switzerland, Thailand:* draft resolution

33/... Cultural rights and the protection of cultural heritage

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, the Declaration on the Right to Development and all relevant international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming the human rights and fundamental freedoms enshrined therein,

Recalling also General Assembly resolution 60/251 of 15 March 2006, by which the Assembly established the Human Rights Council and in which it stated that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Convinced that damage to cultural heritage, both tangible and intangible, of any people constitutes damage to the cultural heritage of humanity as a whole,

Noting that the destruction of or damage to cultural heritage may have a detrimental and irreversible impact on the enjoyment of cultural rights, in particular the right of everyone to take part in cultural life, including the ability to access and enjoy cultural heritage,

* State not a member of the Human Rights Council

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Recognizing that safeguarding the enjoyment of cultural rights may form a crucial part of the response to many current global challenges, including to the scourge of terrorism,

Recognizing also that addressing the destruction of tangible and intangible cultural heritage needs to be holistic, encompassing all regions, contemplating both prevention and accountability, focusing on acts by State and non-State actors in both conflict and non-conflict situations, as well as terrorist acts,

Recognizing further that the violation or abuse of the right of everyone to take part in cultural life, including the ability to access and enjoy cultural heritage, may threaten stability, social cohesion and cultural identity, and constitutes an aggravating factor in conflict and a major obstacle to dialogue, peace and reconciliation,

Strongly condemning all acts of unlawful destruction of cultural heritage, which are often committed during or in the aftermath of armed conflicts around the world, or as a result terrorist attacks,

Noting with deep concern the organized looting, smuggling, theft and illicit trafficking in cultural property that could undermine the full enjoyment of cultural rights, and are contrary to international law and which may, in some instances, generate funds for the financing of terrorism,

Acknowledging the importance of early restoration of the full enjoyment of cultural rights to individuals affected by conflict, and in particular to those who are displaced,

Emphasizing the important role that the Human Rights Council can play, in concert with all other relevant international actors, in global efforts to protect cultural heritage, with a view to promoting universal respect for cultural rights by all,

Recognizing the important contribution that United Nations peacekeeping missions can make in the protection of cultural heritage and the safeguarding of the enjoyment of cultural rights, both during and in the aftermath of armed conflicts,

Acknowledging the important role of the United Nations Educational, Cultural and Scientific Organization, the United Nations Office on Drugs and Crime, the World Customs Organization and the International Criminal Police Organization in international efforts to combat and prevent damage or destruction, organized looting, smuggling, theft and illicit trafficking of cultural property, and to restore damaged property,

Welcoming the decision of the Special Rapporteur in the field of cultural rights, as expressed in her first report submitted to the Council, at its thirty-first session ,[1] to consider as a matter of priority the detrimental impact of the destruction of cultural heritage on the enjoyment of cultural rights,

Highlighting the important contribution made by cultural rights defenders involved in the protection of the cultural heritage of all humankind,

1. *Calls upon* all States to respect, promote and protect the right of everyone to take part in cultural life, including the ability to access and enjoy cultural heritage;

2. *Urges* all parties to armed conflicts to refrain from any unlawful military use or targeting of cultural property, in full conformity with their obligations under international humanitarian law;

[1] A/HRC/31/59

3. *Encourages* States that have not done so to consider becoming a party to all relevant treaties that provide for the protection of cultural property;

4. *Calls for* enhanced international cooperation in preventing and combating the organized looting, smuggling, theft and illicit trafficking of cultural objects and in restoring the stolen, looted or trafficked cultural property to its countries of origin, and invites States to take measures in this regard at the national level to make effective use to this end of relevant tools and databases developed under the auspices of the United Nations Educational, Cultural and Scientific Organization, the United Nations Office on Drugs and Crime, the World Customs Organization and the International Criminal Police Organization, within the scope of their respective mandates;

5. *Encourages* the strengthening of dialogue and cooperation between relevant international organizations and States affected by the organized looting, theft, smuggling and illicit trafficking of cultural property, including through the provision of support and technical assistance aimed at enhancing their national capacities to restore, protect and preserve cultural heritage and property;

6. *Calls for* the development of partnerships between competent national authorities and civil society, in particular grass-roots institutions, with the aim of enhancing the protection of cultural rights and promoting the right of everyone to participate in cultural life, including the ability to access and enjoy cultural heritage;

7. *Also calls for* the identification of innovative ways and best practices, at the national, regional and international levels, for the prevention of violations and abuses of cultural rights, and for the prevention and mitigation of damage caused to cultural heritage, both tangible or intangible;

8. *Further calls for* the recognition of cultural heritage protection as an important component of humanitarian assistance, including in armed conflict and with regard also to displaced populations;

9. *Encourages* States to adopt a gender-sensitive approach to the protection of cultural heritage and the safeguarding of cultural rights;

10. *Calls for* the safety and security of cultural rights defenders involved in the protection of cultural heritage to be protected, including by investigating and, where appropriate, bringing to justice anyone alleged to have harmed them;

11. *Invites* States to adopt effective strategies to prevent the destruction of cultural heritage by, inter alia, ensuring accountability, documenting the cultural heritage within their jurisdiction, including through digital means, implementing educational programmes on the importance of cultural heritage and cultural rights and training military forces in all relevant rules concerning the protection of cultural heritage, both during and in the aftermath of armed conflict;

12. *Encourages* States to consider implementing the recommendations on intentional destruction of cultural heritage m[illegible]e by the Special Rapporteur in the field of cultural rights in her reports presented to the Human Rights Council[2] and to the General Assembly;

13. *Requests* the United Nations High Commissioner for Human Rights:

(a) To convene, before the thirty-sixth session of the Human Rights Council, a one-day intersessional seminar on ways to prevent, contain and or mitigate the detrimental

[2] A/71/317.

impact of the damage to or destruction of cultural heritage on the enjoyment of human rights, including cultural rights by all, and on best practices in this regard;

(*b*) To invite States, the Special Rapporteur in the field of cultural rights and other relevant stakeholders from diverse regions, including experts and civil society organizations, and relevant United Nations agencies, funds and programmes, other international organizations and cultural rights defenders involved in the protection of cultural heritage to participate actively in the above-mentioned seminar;

(*c*) To submit to the Human Rights Council at its thirty-seventh session a report, in the form of a summary, on the seminar;

14. *Decides* to remain seized of the matter.

United Nations A/HRC/33/L.22

General Assembly

Distr.: Limited
26 September 2016

Original: English

Human Rights Council
Thirty-third session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania, Andorra,* Argentina,* Austria,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Croatia,* Cyprus,* Denmark,* Estonia,* Finland,* Greece,* Ireland,* Italy,* Latvia, Luxembourg,* Malta,* Mexico, Monaco,* Montenegro,* Netherlands, Peru,* Poland,* Portugal, Romania,* Serbia,* Slovakia,* Slovenia, Spain,* Sweden,* Switzerland, Ukraine,* United States of America,* Uruguay:* draft resolution

33/... Arbitrary detention

The Human Rights Council,

Reaffirming articles 3, 9, 10 and 29 and other relevant provisions of the Universal Declaration of Human Rights,

Recalling articles 9 to 11 and 14 to 22 of the International Covenant on Civil and Political Rights,

Recalling also Commission on Human Rights resolutions 1991/42 of 5 March 1991 and 1997/50 of 15 April 1997, and Human Rights Council resolutions 6/4 of 28 September 2007, 10/9 of 26 March 2009, 15/18 of 30 September 2010, 20/16 of 6 July 2012 and 24/7 of 26 September 2013,

Recalling further General Assembly resolution 60/251 of 15 March 2006 on the Human Rights Council,

Recalling Human Rights Council resolution 5/1 on institution-building of the Council and resolution 5/2 on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Stresses* the importance of the work of the Working Group on Arbitrary Detention;

* State not a member of the Human Rights Council.

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2. *Takes note with interest* of the latest reports of the Working Group,[1] including the recommendations contained therein;

3. *Requests* the States concerned to take account of the views of the Working Group and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty, and to inform the Working Group of the steps they have taken;

4. *Notes* the efforts of the Working Group to elaborate basic principles and guidelines on remedies and procedures on the right of anyone deprived of his or her liberty by arrest or detention to bring proceedings before a court;

5. *Encourages* all States:

(*a*) To give due consideration to the opinions and appeals of the Working Group;

(*b*) To take appropriate measures to ensure that their legislation, regulations and practices remain in conformity with relevant international standards and the applicable international legal instruments;

(*c*) To respect and promote the right of anyone arrested or detained on a criminal charge to be brought promptly before a judge or other officer authorized by law to exercise judicial power, and to be entitled to trial within a reasonable time or to release;

(*d*) To respect and promote the right of anyone deprived of his or her liberty by arrest or detention to bring proceedings before court, in order that the court may decide without delay on the lawfulness of his or her detention and order his or her release if the detention is not lawful, in accordance with their international obligations;

(*e*) To ensure that the right referred to in subparagraph (*d*) above is equally respected in cases of administrative detention, including administrative detentions in relation to public security legislation;

(*f*) To ensure that anyone who is arrested or detained on a criminal charge has adequate time and facilities for the preparation of his or her defence, including the opportunity to engage and communicate with the counsel of his or her choice;

(*g*) To ensure that the conditions of pretrial detention do not undermine the fairness of the trial;

(*h*) To provide guarantees with respect to any form of detention against unlawful or arbitrary deprivations of liberty;

6. *Recognizes* that persons who are unlawfully or arbitrarily deprived of their liberty are vulnerable to extrajudicial killings, torture and other cruel, inhuman or degrading treatment or punishment, and to other human rights violations;

7. *Encourages* all States to cooperate with the Working Group and to give serious consideration to responding favourably to its requests for visits so that it may carry out its mandate even more effectively;

8. *Notes with concern* that a persistently large proportion of urgent appeals of the Working Group has been left unanswered, and urges the States concerned to give the necessary attention to the urgent appeals addressed to them by the Working Group on a strictly humanitarian basis and without prejudging its possible final conclusions, as well as to the communication of the same case pursuant to the regular complaint procedure;

[1] A/HRC/27/48 and Add.1–5, A/HRC/30/36 and Add.1–3, and A/HRC/30/37.

9. *Encourages* the Working Group to, in accordance with its working methods, continue to provide the State concerned with relevant and detailed information concerning allegations of arbitrary detention in order to facilitate a prompt and substantive response to these communications without prejudice to the need for the State concerned to cooperate with the Working Group;

10. *Notes with deep concern* that the Working Group has received increasing information on reprisals suffered by individuals who were the subject of an urgent appeal or opinion or who applied a recommendation of the Working Group, and calls upon the States concerned to take appropriate measures to prevent such acts and to combat impunity by bringing perpetrators to justice and by providing victims with appropriate remedies;

11. *Expresses its profound thanks* to the States that have extended their cooperation to the Working Group and responded to its requests for information, and invites all States concerned to demonstrate the same spirit of cooperation;

12. *Notes with satisfaction* that the Working Group has been informed of the release of some of the individuals whose situation has been brought to its attention, while deploring the many cases that have not yet been resolved;

13. *Decides* to extend the mandate of the Working Group for a further period of three years, in accordance with Commission on Human Rights resolutions 1991/42 and 1997/50 and Human Rights Council resolution 6/4;

14. *Notes with concern* that, according to the Working Group, it has insufficient resources to exercise its mandate effectively, particularly in relation to human resources, of which there is an acute need, and requests the Secretary-General to provide the Working group with all the assistance necessary for it to be able to sustainably fulfil its mandate effectively, in particular by putting adequate human and material resources at its disposal, including with regard to field missions;

15. *Decides* to continue its consideration of the question of arbitrary detention in conformity with its programme of work.

United Nations A/HRC/33/L.23

General Assembly

Distr.: Limited
26 September 2016

Original: English

Human Rights Council
Thirty-third session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Australia,* Austria,* Bosnia and Herzegovina,* Brazil,* Canada,* Colombia,* Costa Rica,* Denmark,* Estonia,* Finland,* Greece,* Guatemala,* Honduras,* Iceland,* Italy,* Luxembourg,* Mexico, Montenegro,* Norway,* Panama, Peru,* Philippines, Spain,* Sweden,* Ukraine,* United States of America:* draft resolution

33/... Human rights and indigenous peoples: mandate of the Special Rapporteur on the rights of indigenous peoples

The Human Rights Council,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling resolution 5/1 on institution-building of the Human Rights Council and resolution 5/2 on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with these resolutions and the annexes thereto,

Recalling also Commission on Human Rights resolutions 2001/57 of 24 April 2001, 2002/65 of 25 April 2002, 2003/56 of 24 April 2003, 2004/62 of 21 April 2004 and 2005/51 of 20 April 2005 on human rights and indigenous issues, and Human Rights Council resolutions 6/12 of 28 September 2007, 15/14 of 30 September 2010 and 24/9 of 26 September 2013 on the mandate of Special Rapporteur on the rights of indigenous peoples,

1. *Decides* to extend the mandate of the Special Rapporteur on the rights of indigenous peoples for a period of three years;

(*a*) To examine ways and means of overcoming existing obstacles to the full and effective protection of the rights of indigenous peoples, in conformity with the mandate, and to identify, exchange and promote best practices;

* State not a member of the Human Rights Council.

(*b*) To gather, request, receive and exchange information and communications from all relevant sources, including Governments, indigenous peoples and their communities and organizations, on alleged violations and abuses of the rights of indigenous peoples;

(*c*) To formulate recommendations and proposals on appropriate measures and activities to prevent and remedy violations and abuses of the rights of indigenous peoples;

(*d*) To work in close cooperation and coordination with other special procedures and subsidiary organs of the Council, in particular with the Expert Mechanism on the Rights of Indigenous Peoples, relevant United Nations bodies, the treaty bodies and regional human rights organizations;

(*e*) To enhance engagement with and to participate in the annual sessions of the Permanent Forum on Indigenous Issues and of the Expert Mechanism on the Rights of Indigenous Peoples to ensure complementarity between their work;

(*f*) To develop a regular cooperative dialogue with all relevant actors, including Governments, relevant United Nations bodies, specialized agencies and programmes, as well as indigenous peoples, national human rights institutions, non-governmental organizations and other regional or subregional international institutions, including on possibilities for technical cooperation at the request of Governments;

(*g*) To promote the United Nations Declaration on the Rights of Indigenous Peoples and international instruments relevant to the advancement of the rights of indigenous peoples, where appropriate;

(*h*) To pay special attention to the human rights and fundamental freedoms of indigenous children and women, and to take into account a gender perspective in the performance of his/her mandate;

(*i*) To consider relevant recommendations of the world conferences, summits and other United Nations meetings, as well as the recommendations, observations and conclusions of the treaty bodies on matters regarding his/her mandate;

(*j*) To submit a report on the implementation of the mandate to the Council and to the General Assembly in accordance with their annual programme of work;

2. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all available information requested in his or her communications, and to react promptly to his or her urgent appeals;

3. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, Governments, independent experts, interested institutions, national human rights institutions, non-governmental organizations and, in particular, indigenous peoples to cooperate to the fullest extent possible with the Special Rapporteur in the fulfilment of his or her mandate;

4. *Strongly encourages* all Governments to give serious consideration to responding favourably to the requests by the Special Rapporteur to visit their countries to enable him or her to fulfil the mandate effectively;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human, technical and financial assistance to the Special Rapporteur for the effective fulfilment of the mandate;

6. *Decides* to continue consideration of this question in conformity with its programme of work.

United Nations

A/HRC/33/L.24

General Assembly

Distr.: Limited
23 September 2016

Original: English

Human Rights Council
Thirty-third session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Australia,* Austria,* Brazil,* Canada,* Colombia,* Costa Rica,* Cyprus,* Denmark,* Estonia,* Finland,* Greece,* Guatemala,* Honduras,* Iceland,* Luxembourg,* Mexico, Norway,* Panama, Peru,* Philippines, Spain,* Sweden,* United States of America:* draft resolution

33/... Human rights and indigenous peoples

The Human Rights Council,

Recalling all relevant General Assembly, Commission on Human Rights and Human Rights Council resolutions on human rights and indigenous peoples,

Reaffirming its support for the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in its resolution 61/295 of 13 September 2007,

Recognizing current efforts towards the promotion, protection and fulfilment of the rights of indigenous peoples, including the adoption of the American Declaration on the Rights of Indigenous Peoples,

Recalling the adoption of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples,[1]

Recognizing that indigenous women, youth, children and persons with disabilities face particular challenges and face multi-faceted and intersecting forms of discrimination in access to health services,

Stressing the need to acknowledge traditional knowledge and practices on health and for intercultural approaches that are sensitive to the health needs of indigenous peoples,

Welcoming the study by the Expert Mechanism on the Rights of Indigenous Peoples on the theme, "Right to health and indigenous peoples, with a focus on children and youth",

* State not a member of the Human Rights Council.

[1] General Assembly resolution 69/2.

submitted to the Human Rights Council at its thirty-third session,[2] and encouraging all parties to consider the examples of good practices and recommendations included in the study as practical advice on how to attain the end goals of the United Nations Declaration on the Rights of Indigenous Peoples,

Stressing the need to pay particular attention to the rights and special needs of indigenous women, children, youth, elders and persons with disabilities, and to intensify efforts to prevent and eliminate violence and discrimination against indigenous women and girls, as set out in the United Nations Declaration on the Rights of Indigenous Peoples and the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples,

Recalling the commitment made by the General Assembly at the World Conference to consider ways to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them, and looking forward to the outcome of the process initiated by the President of the General Assembly and its consideration by the Assembly,

Recalling the adoption of the Indigenous and Tribal Peoples Convention, 1989 (No 169) by the International Labour Organization, and its important contribution to the promotion and protection of the rights of indigenous peoples,

1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on the rights of indigenous peoples,[3] and requests the High Commissioner to continue to submit to the Human Rights Council an annual report on the rights of indigenous peoples containing information on relevant developments in human rights bodies and mechanisms and the activities undertaken by the Office of the High Commissioner at Headquarters and in the field that contribute to the promotion of, respect for and the full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, and follow-up on the effectiveness of the Declaration;

2. *Also welcomes* the work of the Special Rapporteur on the rights of indigenous peoples, including the official visits made and her reports, and encourages all Governments to respond favourably to her requests for visits;

3. *Welcomes* the work of the Expert Mechanism on the Rights of Indigenous Peoples, takes note with appreciation of the report on its ninth session,[1] and encourages States to continue to participate in and contribute to its discussions, including by their national specialized bodies and institutions;

4. *Requests* the Expert Mechanism to prepare a study, to be finalized by its tenth session, on good practices and challenges, including discrimination, in business and in access to financial services by indigenous peoples, in particular indigenous women and indigenous persons with disabilities, and to present it to the Human Rights Council at its thirty-sixth session;

5. *Decides* to hold, at its thirty-sixth session, its half-day panel discussion on the commemoration of the tenth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, with a special focus on challenges and good practices in achieving the ends of the Declaration, and requests the Office of the High Commissioner to make the discussions fully accessible to persons with disabilities and to

[1] A/HRC/33/57.
[2] A/HRC/33/27.
[3] A/HRC/33/56.

prepare a summary report of the discussion to be submitted to the Human Rights Council prior to its thirty-eighth session.

6. *Reaffirms* its decision to continue its consideration of the issue of the elimination of all forms of violence against women and girls, its causes and consequences, including violence against indigenous women and girls, as a matter of high priority, in conformity with its annual programme of work;

7. *Welcomes* the ongoing cooperation and coordination among the Special Rapporteur, the Permanent Forum on Indigenous Issues and the Expert Mechanism, and their ongoing efforts to promote the rights of indigenous peoples, the United Nations Declaration on the Rights of Indigenous Peoples, including the follow-up to the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, and invites them to continue to work in close cooperation with all Human Rights Council mechanisms within their respective mandates;

8. *Reaffirms* that the United Nations treaty bodies are important mechanisms for the promotion and protection of human rights, and encourages States to give serious consideration to their recommendations regarding indigenous peoples;

9. *Welcomes* the contribution of the universal periodic review to the realization of the rights of indigenous peoples, encourages effective follow-up to accepted review recommendations concerning indigenous peoples and invites States to include, as appropriate, information on the situation of the rights of indigenous peoples, including measures taken to pursue the objectives of the United Nations Declaration on the Rights of Indigenous Peoples during the review;

10. *Encourages* States that have endorsed the United Nations Declaration on the Rights of Indigenous Peoples to adopt measures to pursue its objectives in consultations and cooperation with indigenous peoples;

11. *Calls upon* States that that have not yet ratified or acceded to the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization to consider doing so;

12. *Encourages* States to give due consideration to all the rights of indigenous peoples in fulfilling the commitments undertaken in the 2030 Agenda for Sustainable Development and in the elaboration of relevant national programmes, strategies and plans;

13. *Welcomes* the role of national human rights institutions established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) in advancing indigenous issues, and recognizes the importance for such institutions of developing and strengthening their capacities, as appropriate, to fulfil that role effectively;

14. *Takes note* of the activity of the United Nations Indigenous Peoples Partnership and the system-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples, and invites States and other potential donors to support it;

15. *Urges* States and invites other public and/or private actors or institutions to contribute to the United Nations Voluntary Fund for Indigenous Peoples as an important means of promoting the rights of indigenous peoples worldwide and within the United Nations system;

16. *Decides* to continue its consideration of this question at a future session in conformity with its annual programme of work.

United Nations A/HRC/33/L.25

General Assembly

Distr.: Limited
26 September 2016

Original: English

Human Rights Council
Thirty-third session
Agenda item 5
Human rights bodies and mechanisms

Australia,* Colombia,* Costa Rica,* Cyprus,* Denmark,* Estonia,* Finland,* Greece,* Guatemala,* Haiti,* Honduras,* Mexico, Panama, Peru,* Philippines, Spain,* United States of America:* draft resolution

33/... Expert Mechanism on the Rights of Indigenous Peoples

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming its support for the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in its resolution 61/295 of 13 September 2007,

Recalling all Commission on Human Rights and Human Rights Council resolutions on human rights and indigenous peoples, in particular Council resolution 6/36 of 14 December 2007, in which the Council decided to establish the Expert Mechanism on the Rights of Indigenous Peoples,

Reaffirming General Assembly resolution 69/2 of 22 September 2014, in which the Assembly adopted the outcome document of the high-level plenary meeting of the Assembly known as the World Conference on Indigenous Peoples, and taking note of the report of the Secretary-General on the progress made in the implementation of the outcome document,[1]

Bearing in mind Human Rights Council resolution 30/11 of 1 October 2015, in which the Council requested the Office of the United Nations High Commissioner for Human Rights to convene an expert workshop to review the mandate of the Expert Mechanism, and welcoming the productive discussions held at workshop on 4 and 5 April 2016, as reflected in the report of the Office of the High Commissioner,[2]

Mindful of the work being undertaken on indigenous issues by other bodies in the United Nations system and regional human rights systems,

* State not a member of the Human Rights Council.

[1] A/70/84-E/2015/76.

[2] A/HRC/32/26.

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1. *Decides* to *amend* the mandate of the Expert Mechanism on the Rights of Indigenous Peoples, which shall provide the Human Rights Council with expertise and advice on the rights of indigenous peoples as set out in the United Nations Declaration on the Rights of Indigenous Peoples, and assist Member States upon request, to achieve the ends of the Declaration through the promotion, protection and fulfilment of the rights of indigenous peoples;

2. *Decides* that the Expert Mechanism shall:

(*a*) Prepare an annual study on the status on the rights of indigenous peoples worldwide in the achievement of the ends of the Declaration, focusing on one or more interrelated articles of the Declaration, decided by the Expert Mechanism, taking into consideration suggestions received from Member States and indigenous peoples, including challenges, good practices and recommendations;

(*b*) Identify, disseminate and promote good practices and lessons learned regarding the efforts to achieve the ends of the Declaration, including through reports to the Human Rights Council on this matter;

(*c*) Upon request, assist Member States and or indigenous peoples in identifying the need for and providing technical advice regarding the development of domestic legislation and policies relating to the rights of indigenous peoples, as relevant, which may include establishing contacts with other United Nations agencies, funds and programmes;

(*d*) Provide Member States, upon their request, with assistance and advice for the implementation of recommendations made at the universal periodic review and by treaty bodies, special procedures or other relevant mechanisms;

(*e*) Upon the request of Member States, indigenous peoples and/or the private sector, engage and assist them by facilitating dialogue, when agreeable to all parties, in order to achieve the ends of the Declaration;

3. *Also decides* that the Expert Mechanism shall report at least once a year to the Human Rights Council on its work, and keep the Council fully informed of developments on the rights of indigenous peoples;

4. *Further decides* that the Expert Mechanism shall consist of seven independent experts, one from each of the seven indigenous sociocultural regions[1] the selection of which shall be carried out in accordance with the procedure and criteria for nominating, selecting and appointing mandate holders established by the Human Rights Council in paragraphs 39 to 53 of the annex to its resolution 5/1 of 18 June 2007;

5. *Decides* to introduce staggered terms for the membership of the Expert Mechanism, considering the need to secure continuity in its functioning;

6. *Strongly recommends* that, in the selection and appointment process, the Human Rights Council give due regard to the recognized competence and experience in the rights of indigenous peoples, experts of indigenous origin, and gender balance;

7. *Decides* that the members of the Expert Mechanism shall serve for a three-year term, and may be reappointed for one additional term;

8. *Also decides* that, within its mandate, the Expert Mechanism shall determine its own methods of work, although the Expert Mechanism may not adopt resolutions or decisions;

[1] Africa, Asia, Central and South America and the Caribbean, the Arctic, Central and Eastern Europe, Russian Federation, Central Asia and Transcaucasia, North America, and the Pacific.

9. *Further decides* that, within its mandate, the Expert Mechanism may seek and receive information from all relevant sources as necessary to fulfil its mandate;

10. *Decides* that, within its mandate, the Expert Mechanism shall coordinate its work and further strengthen its participation, engagement and cooperation, as appropriate, with the Permanent Forum on Indigenous Issues, the Special Rapporteur on the rights of indigenous peoples, the United Nations Voluntary Fund for Indigenous Peoples and other United Nations bodies and processes;

11. *Encourages* the Expert Mechanism to enhance its engagement with national human rights institutions, which should be in accordance with the mandates of each national human rights institution;

12. *Decides* that the Expert Mechanism shall meet annually for up to five days, and that the sessions may be a combination of open and private meetings, as deemed necessary;

13. *Also decides* that the annual meeting of the Expert Mechanism shall be open to the participation, as observers, of States, United Nations mechanisms, bodies and specialized agencies, funds and programmes, intergovernmental organizations, regional organizations and mechanisms in the field of human rights, national human rights institutions and other relevant national bodies, academics and experts on indigenous issues, and non-governmental organizations in consultative status with the Economic and Social Council; the meeting shall also be accessible to indigenous persons with disabilities and open to indigenous peoples' organizations and non-governmental organizations whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996, through an open and transparent accreditation procedure, in accordance with the rules of procedure of the Human Rights Council, which will provide for timely information on participation and consultation with the States concerned;

14. *Further decides* that the Expert Mechanism may also hold intersessional meetings and activities for five days a year, and invites it to use information and communication technologies to advance its work;

15. *Decides*, in order for the Expert Mechanism to enhance cooperation and avoid duplicating the work of the Special Rapporteur on the rights of indigenous peoples and the Permanent Forum, that it shall participate in the activities of the Permanent Forum, and invite the Special Rapporteur and a member of the Permanent Forum to attend and contribute to its annual meeting;

16. *Invites* the special procedures of the Human Rights Council to explore concrete ways to coordinate their work with the Expert Mechanism with regard to the rights of indigenous peoples;

17. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all human, technical and financial assistance necessary for the Expert Mechanism to fulfil its mandate fully and effectively.

United Nations A/HRC/33/L.26

General Assembly

Distr.: Limited
28 September 2016

Original: English

Human Rights Council
Thirty-third session
Agenda item 10
Technical assistance and capacity-building

South Africa:* draft resolution

33/... Technical assistance and capacity-building for human rights in the Democratic Republic of the Congo

The Human Rights Council,

Reaffirming that all States have an obligation to promote and protect the human rights and fundamental freedoms enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights, and to discharge their obligations under the International Covenants on Human Rights and other relevant instruments to which they are parties, and to fulfil its obligations under those treaties and agreements,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Human Rights Council resolutions 5/1 of 18 June 2007, 7/20 of 27 March 2008 and 8/8/1 of 1 December 2008,

Recalling further its resolutions 10/33 of 27 March 2009, 13/22 of 26 March 2010, 16/35 of 25 March 2011, 19/27 of 23 March 2012, 24/27 of 27 September 2013, 27/27 of 26 September 2014 and 30/26 of 2 October 2015, in which the Council called upon the international community to support the national efforts of the Democratic Republic of the Congo and its institutions with a view to improving the human rights situation and to respond to its requests for technical assistance,

Welcoming the report of the United Nations High Commissioner for Human Rights submitted in accordance with Human Rights Council resolution 30/26 on technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo,[1]

Welcoming also the visit by the High Commissioner to the Democratic Republic of the Congo from 18 to 21 July 2016, and noting his findings and recommendations,

* On behalf of the States Members of the United Nations that are members of the Group of African States.

[1] A/HRC/33/36.

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Taking note of the final communique issued by the delegation of the African Commission on Human and Peoples' Rights, led by its President, following the visit made to the Democratic Republic of the Congo from 6 to 12 August 2016,

Recognizing the important role of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Joint Human Rights Office in the Democratic Republic of the Congo in documenting human rights violations and in improving the situation of human rights in the country,

Welcoming the de facto moratorium on the death penalty already in force, and encouraging the Government of the Democratic Republic of the Congo to adopt a legal moratorium on the death penalty,

Welcoming also the significant progress made by the Democratic Republic of the Congo with regard to institutional and legislative developments relating to human rights and to the behaviour of rights holders and duty bearers, including the adoption in 2013 of an institutional act giving courts of appeal jurisdiction over war crimes and crimes against humanity,

Encouraging the efforts of the Democratic Republic of the Congo to combat impunity, protect civilians and raise awareness among victims of sexual violence of their need for justice and assistance, by, inter alia, the establishment by the office of the personal representative of the Head of State tasked with combating sexual violence and the recruitment of child soldiers of a helpline for victims of sexual violence, which has contributed to the fight against impunity for crimes under international law and sexual and gender-based violence,

Recognizing the significant efforts made by the Government of the Democratic Republic of the Congo in the area of judicial reform, in particular in the fight against impunity, as observed by the High Commissioner,

Deeply concerned about the continued violence and serious crimes, including sexual violence, that reportedly continue to be committed against members of the civilian population by armed groups and security forces in the eastern part of the country,

Deeply concerned also about reports of the aggravation of violations of civil and political rights, particularly the freedoms of expression and peaceful assembly, committed by State actors in the context of important election events,

Recalling the need for a joint agreement resulting from a real, credible and inclusive political dialogue, committing all components of government and opposition parties to the respect of human rights and fundamental freedoms, with a view to holding peaceful, credible, open and transparent elections in the country, in conformity with the Constitution and the African Charter on Democracy, Elections and Governance,

Noting the efforts of the Democratic Republic of the Congo to implement its commitments under the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, signed in Addis Ababa on 24 February 2013,

Noting also the efforts and commitment of the Government of the Democratic Republic of the Congo to protect and promote human rights,

1. *Condemns unequivocally* the wave of violence in the eastern part of the country, and all the armed groups perpetrating it;

2. *Strongly condemns* the recent deadly clashes in Kinshasa and elsewhere in the country, and strongly urges the Government of the Democratic Republic of the Congo

to intensify its efforts and to take immediate steps to resolve peacefully the political issues that led to that violence, and to avoid further confrontations,

3. *Expresses its concern* at the continuing atrocities in the Beni region against civilians, and condemns in the strongest terms the senseless criminal violence against the civilian population committed by the Allied Democratic Forces and affiliated groups in Eringeti;

4. *Expresses its concern also* at allegations of crimes in the eastern part of the country committed by members of the security forces, notes with appreciation the efforts of the Government of the Democratic Republic of the Congo to bring those responsible for these crimes to justice, and welcomes the sentences already brought down, in particular against high-ranking officers;

5. *Encourages* the Government of the Democratic Republic of the Congo to intensify its efforts to put an end to violence in the eastern part of the country, with the support of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo within its mandate, in particular by strengthening its efforts in the disarmament, demobilization and reintegration of former combatants;

6. *Also encourages* the Government to provide the means necessary to facilitate ongoing inquiries and trials against those responsible for sexual violence, including that committed in Kavumu, in South Kivu;

7. *Further encourages* the Government to continue its efforts to implement the plans of action of the Armed Forces of the Democratic Republic of the Congo with a view to reduce and prevent the recruitment of child soldiers and sexual violence, and welcomes the progress made;

8. *Encourages* the Government to continue actively its efforts, with the support of the international community, to end impunity for the perpetrators of these grave violations of human rights, including those involving sexual violence, in the eastern part of the country, and to ensure that victims of such crimes receive adequate care, protection against reprisals, and reparations;

9. *Welcomes* the efforts made by the Government with regard to investigations and the prosecution of peacekeepers who have returned to the Democratic Republic of the Congo and been accused of alleged acts of sexual violence when deployed in the Central African Republic;

10. *Calls upon* the Government to ensure equitable political participation for all, and to create without delay the conditions necessary for the holding of free, transparent, inclusive and peaceful elections, in particular in view of the legislative and presidential elections;

11. *Invites* all stakeholders and Congolese political actors to contribute peacefully to keep peace and stability in the Democratic Republic of the Congo, to consolidate democracy and the rule of law, and to engage in good faith in a real, credible and inclusive political dialogue;

12. *Notes* the organization of the national political dialogue under the auspices of the African Union and the international community with a view to finding consensual solutions for the holding of peaceful, transparent and credible elections, and calls upon all stakeholders to respect and implement the resulting political agreement in conformity with the constitutional framework, and to refrain from any recourse to violence before, during and after the elections;

13. *Calls upon* the Government of the Democratic Republic of the Congo and the independent national electoral commission to accelerate preparations for the elections, and to establish as soon as possible a credible electoral calendar as part of the ongoing dialogue process;

14. *Notes with appreciation* the launching on 31 July 2016 by the independent national electoral commission of the process of revision of the electoral roll in the province of Nord Ubangi;

15. *Welcomes* the efforts made by the United Nations, the International Organization of la Francophonie and the European Union to ensure the credibility and the stabilization of the electoral roll;

16. *Invites* the Government of the Democratic Republic of the Congo to improve and increase the participation of women in the political and administrative domains, and notes with appreciation the legislative measures already taken in the framework of the amendments to the Family Code and of the law on the parity of men and women;

17. *Encourages* the Government to ensure that all citizens, regardless of their political affiliation, can participate freely in public affairs and that they fully enjoy their human rights and fundamental freedoms, in particular the freedoms of expression and peaceful assembly, which constitute essential conditions for a real, credible and inclusive political dialogue;

18. *Welcomes* the recent liberation of certain human rights activists in the framework of the presidential amnesty, and measures to ease political tension with a view to facilitating political dialogue, calls for the complete dismissal of remaining charges against some of them, and calls upon the Government to rapidly extend these measures to prisoners of conscience who are still incarcerated;

19. *Encourages* the Government to provide greater protection for all political actors, civil society, journalists and human rights defenders during elections, and to ensure respect for all human rights;

20. *Expresses its deep concern* at the violent confrontations in the electoral context, including reports of the disproportionate use of force by security forces, and calls upon all stakeholders to reject all violence;

21. *Also expresses its deep concern* at reports of restrictions on the freedoms of peaceful assembly, opinion and expression and violations of the right to liberty and security of person, and threats against and intimidation of members of political parties, civil society representatives and journalists, and of arbitrary detention and the interference of the executive in the functioning of justice;

22. *Calls upon* the Government and all relevant institutions of the Democratic Republic of the Congo to take all additional measures necessary to prevent all violations of international humanitarian law and abuses of human rights in the Democratic Republic of the Congo, and to conduct thorough investigations into all acts of violence and violations of international humanitarian law and abuses of human rights so that all perpetrators, whatever their affiliation, are brought to justice;

23. *Emphasizes* the individual responsibility of all stakeholders, including State officials, and leaders of the political parties of the government majority and the opposition, to act in strict compliance with the rule of law and human rights;

24. *Stresses* the importance of releasing all persons detained arbitrarily, including human rights defenders of and persons of different political affiliations, of transferring detainees from the National Intelligence Agency to regular detention centres, granting unlimited access by the United Nations Joint Human Rights Office to centres under the

responsibility of the Agency, and in this respect calls upon the Government of the Democratic Republic of the Congo to fulfil promptly its commitment to eliminate Agency detention facilities;

25. *Encourages* the Government to continue in its commitment to its cooperation with the Office of the High Commissioner, the United Nations Joint Human Rights Office, the Human Rights Council and its special procedures;

26. *Invites in this regard* the Government to respond positively to outstanding visit requests submitted by thematic special procedure mandate holders and to favourably consider extending a standing invitation to them;

27. *Commends* the Democratic Republic of the Congo for the establishment and operationalization of the national human rights commission, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

28. *Encourages* the Government of the Democratic Republic of the Congo to maintain and strengthen the momentum of the efforts made to reform the army, the police and security services;

29. *Welcomes* the establishment and functioning of the Constitutional Court, and encourages the Democratic Republic of the Congo to pursue the creation and installation of other courts in the context of the reform of the judicial system;

30. *Also welcomes* the vote by the National Assembly on the draft law on the implementation of the Rome Statute of the International Criminal Court, ratified by the Democratic Republic of the Congo in 2002;

31. *Encourages* the Government of the Democratic Republic of the Congo to take appropriate measures to ensure the smooth functioning of all implementing agencies of human rights, including the human rights liaison unit, the national human rights commission, the interministerial committee on human rights, the national commission for the universal periodic review, and the unit for the protection of human rights defenders;

32. *Reiterates* its request to the international community, in the framework of ownership of the Government of the Democratic Republic of the Congo, to improve the involvement of national authorities and beneficiaries in the design, implementation, monitoring and evaluation of projects for the promotion and protection of human rights with a view to ensuring that they have a greater impact at the central, provincial and local levels, particularly with regard to the priorities of justice and human rights, as defined in the recommendations made at the national forum on justice in April 2015;

33. *Also reiterates* its request to the international community to focus on structural, long-term interventions, on the entire territory of the Democratic Republic of the Congo, to optimize the long-term impact of technical assistance programmes;

34. *Encourages* the Government to organize a forum on human rights, in particular on the impact of technical assistance by the international community to the Democratic Republic of the Congo;

35. *Invites* the High Commissioner to inform the Human Rights Council on the situation in the Democratic Republic of the Congo as and when appropriate;

36. *Decides* to organize, at its thirty-fourth session, in the presence of all stakeholders, an interactive dialogue on the situation of human rights in the Democratic Republic of the Congo;

37. *Requests* the Office of the High Commissioner to give an oral update on the situation of human rights in the Democratic Republic of the Congo to the Human Rights Council at its thirty-fifth session, in an interactive dialogue;

38. *Also requests* the Office of the High Commissioner to prepare a report on the situation of human rights in the Democratic Republic of the Congo in the electoral context, and to present it to the Human Rights Council at its thirty-sixth session, during an enhanced interactive dialogue;

39. *Decides* to remain seized of the situation until its thirty-sixth session.